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ABSTRACT

At this joint session, the House Subcommittee on Select Education and the Subcommittee on 21st Century Competitiveness met to hear testimony on the policy implications of tracking international students in higher education. The purpose of the hearing was not to talk about the value of exchange programs or having foreign students participate in U.S. education, but to consider what needs to be done to track foreign students in the aftermath of September 11, 2001 in order to maintain a strong international student program while assuring national security. Opening statements were given by Representative Peter Hoekstra, Representative Tim Roemer, Representative Howard McKeon, and Representative Patsy Mink. Additional testimony was presented by: (1) Mary Ruan, Assistant Secretary of State; (2) Michael Becraft, Acting Deputy Commissioner, Immigration and Naturalization Service; (3) David Ward, President of the American Council on Education; (4) Gail Short Hanson, Vice President, American University; and (5) Julia Beatty, President, United States Student Association. Appendixes contain the written statements of these witnesses for the record. (SLD)

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ED 470 245

TRACKING INTERNATIONAL STUDENTS IN HIGHER EDUCATION- POLICY OPTIONS AND IMPLICATIONS FOR STUDENTS

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

AND THE

SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS

OF THE

COMMITTEE ON EDUCATION AND THE WORKFORCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, OCTOBER 31, 2001

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JOINT SUBCOMMITTEE HEARING ON TRACKING INTERNATIONAL STUDENTS IN HIGHER EDUCATION - POLICY OPTIONS AND IMPLICATIONS FOR STUDENTS

Wednesday, October 31, 2001

House of Representatives,

Committee on Education and the Workforce,

Subcommittee on Select Education,

Joint with

Subcommittee on 21st Century Competitiveness,

Washington, D.C.

The subcommittees met, pursuant to call, at 10:00 a.m., in Room 2175, Rayburn House Office Building, Hon. Pete Hoekstra [Chairman of the Subcommittee on Select Education] presiding.

Present for the Subcommittee on Select Education: Representatives Hoekstra, Tiberi, Petri, Platts, Roemer, Scott, Holt, Davis, McCollum and Sanchez.

Present for the Subcommittee on 21st Century Competitiveness: Representatives McKeon, Isakson, Boehner, Castle, Graham, Souder, Ehlers, Goodlatte, Osborne, Mink, Tierney, Holt, Wu, Rivers, McCollum, and Hinojosa.

Also Present: Representatives Roukema and George Miller of California

Staff Present: Jo-Marie St. Martin, General Counsel; Heather Valentine, Press Secretary; Scott Galupo, Communications Specialist; Patrick Lyden, Professional Staff Member; George Conant, Professional Staff Member; Kathleen Smith, Professional Staff Member; Blake Hegeman, Legislative Assistant; Deborah Samantar, Committee Clerk/Intern Coordinator; John Lawrence, Minority Staff Director; Charles Barone, Minority Deputy Staff Director; James Kvaal, Minority Legislative Associate/Education; Maggie McDow, Minority Legislative

Associate/Education; Joe Novotny, Minority Staff Assistant/Education; and Brendan O'Neil, Minority Legislative Associate/Education.

OPENING STATEMENT OF CHAIRMAN PETE HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Chairman Hoekstra. Good morning. A quorum being present, the joint hearing of the Subcommittee on Select Education and the Subcommittee on 21st Century Competitiveness will come to order. I would like to thank my colleague from California, the Chairman of the Subcommittee on the 21st Century Competitiveness, Mr. McKeon, for agreeing to hold this joint hearing on the policy implications of tracking international students in higher education. So that we can get to our witnesses, we have agreed to limit the opening statements to the chairmen and the ranking minority members of each of the two subcommittees.

With that, I ask unanimous consent that the record remain open for 14 days to allow members to insert extraneous material into the official hearing record. Without objection so ordered.

I am just going to have a few brief comments. The hearing today is not to talk about the value of exchange programs or the value of having foreign students participating in and attending colleges, universities and technical schools in the United States of America. We have, over the years, had significant testimony in front of the entire Education Committee indicating the value of having foreign students participating in our colleges and universities.

However, since September 11, we know that nothing is the same. Everything is a little bit more complicated. Travel and just about everything in our lives has changed. Security is now of the utmost importance. The hearing that we are going to have today will take a look at student visas. We issue about five to 600 student visas annually. We want to take a look and thoroughly understand the process by which those visas are handed out and what happens when those students come to America. We learned on September 11 that not every student that is coming to America is coming here for the right reasons. We also know that the vast majority of the students that attend or come here on student visas are here for exactly the right reasons, to get an education and enrich the learning experience of American and U.S. students as well.

What we want to do today is learn what the gaps are in the system and what we want to do with this panel and the next panel is to challenge each of the panelists to help the subcommittee understand what we need to change, where we need to go so that we can maintain a strong and vital international student program as a component of our educational system, and at the same time, provide the security to America that we all desire. So it is about maintaining the current program in terms of having students here, but taking a look at the system.

You know, Mr. Roemer and I were in New York on Monday and we heard some testimony from Mayor Giuliani. We heard testimony from three governors, and it is interesting when we take a look at the systems that we have in place around the country and how they don't line up. Governor Bush indicated that in Florida, along with many other States, they not only look at student visas and other visas, but also, when a person comes into the country on a visa and applies for a driver's license, they typically apply for a driver's license, if the standard term for a driver's license is 2 or 3 years, they get a driver's license that is only good for 2 or 3 years.

Florida is reconsidering their program by saying if somebody comes in with a 6 month visa, we will give them a driver's license but we will give them a driver's license for 6 months. It is only common sense. I think those are the kinds of things and analyses we want to go through today; what things can we do. We need to take a look at issues within our system that maybe haven't lined up because these issues weren't at the forefront before September 11.

So we are not talking about curtailing the program. We are talking about maintaining a strong program and making sure that we fill the gaps by working together to identify things that can be changed in the system to insure that we have the appropriate level of security and that the students coming here are the students that want to learn and want to contribute to having a rich educational and learning environment in our colleges and universities around the country.

WRITTEN OPENING STATEMENT OF CHAIRMAN PETE HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATON AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – SEE APPENDIX A

Mr. Hoekstra. And with that, I will yield to my colleague from Indiana Mr. Roemer.

OPENING STATEMENT OF RANKING MEMBER TIM ROEMER, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Mr. Roemer. I thank my good friend from Michigan and look forward to working with him on this issue in a bipartisan way as we have worked on so many other issues in a bipartisan way. I am glad to be here today at this hearing to discuss the importance of student visas and how we can monitor foreign students in this country. As a member of the Intelligence Committee, I have been looking very carefully at our national security and ways that we can make our country more secure following the tragic events of September 11. Of the 30 million foreigners who enter the U.S., in a year, 500,000 of them are here on student visas. Let me repeat – one half million! At least two of the hijackers, according to INS information, and I would be interested to hear what the State Department is saying, Ahmed Alghamdi, and Hani Hanjour, were admitted into the country on nonimmigrant student visas. While it is unclear whether Hanjour was in legal status at the time of the hijacking, Alghamdi had overstayed the limit of his visa according to certain information provided to the committee.

In the 1996 immigration bill that we passed into law, we require the INS to fully establish a foreign student tracking system by 2003. If the Student Exchange Visitor Information System, or SEVIS, had been installed, would we have been able to find Alghamdi and deport him before the tragic day in September? This is a question we may never know the answer to. But I hope that today's witnesses will be able to help us examine this and other questions more closely. For instance, in the Washington Post article, only 3 percent of Saudi visa applications were turned down by U.S. Consular officers in that country in fiscal 2000 and fiscal 2001, whereas in contrast, about 25 percent of U.S. Visa seekers in parts of the world are rejected for various reasons.

Should we re-evaluate that kind of system? Given the recent events, there have been many cries for the development of the SEVIS system to be accelerated. Requests have been sent to the President for Federal emergency funds to help jump-start a new program.

I look forward to hearing some of the suggestions from other witnesses that they may have to improve the current law so that we can create a good tracking system from the very beginning of this system. Some are even asking for a moratorium to be placed on student visas for the interim, and I would like to hear both your views and the next panel's views on that suggestion as well.

I am also very concerned that we implement a system to track foreign students that we do not place the entire burden on the colleges and universities. I will be very interested to hear some of the panel's suggestions for how this burden can be shared with the students' countries of origin. I understand the rich cultural and intellectual experience that foreign students can bring to our education system, and I also understand as somebody that represents in my hometown the University of Notre Dame, and elsewhere, the University of Indiana, University of Michigan not far away, how our colleges and universities are on the cutting edge technologically, intellectually, educationally, as we bring these students to our universities across the country.

As a member of the Education Committee, I think this is a rich experience for those students and our students and our country. However, as a member of the Intelligence Committee, I think we have to devise systems that do, in fact, look for new ways to create databases with our colleges and universities, and maybe with our businesses to see who comes in here, to better evaluate from what certain countries, should they be accepted right away, should further background checks be done.

Is it right to have a 3 percent rejection rate from one country and a 25 or 30 percent rejection rate from another country? And maybe, rather than the economy of that country, we evaluate the risk that students pose coming from a certain country.

So I look forward to hearing from our witnesses on a very, very timely topic, a very important topic for the Intelligence Committee, for the Education Committee, for the security of the country, and for also the richness and the educational experiences that we give to other students from other parts of the world, but also to our own students.

So we have some, I think, very tough and, I hope, probing questions for both of you. We are also interested in some of the different information we may be gleaning from INS and from

State on statistics and background and what we found.

Finally, I would just say, of the almost 1,000 people we have detained in the United States, and maybe the 300 we have detained and other countries have detained in their intelligence services across the world, how this breaks down on student visas and tracking systems and databases there as well, too, and what we may be learning and gleaning there. So we look forward to, I hope, a very productive and informative session here, and we thank the witnesses for the knowledge they bring to this, I think, important hearing this morning. Thank you again, Mr. Chairman.

Chairman Hoekstra. Thank you, Mr. Roemer. I will now recognize my colleague from California, Chairman of the Subcommittee on the 21st Century Competitiveness, Mr. McKeon, for the purpose of making an opening statement.

OPENING STATEMENT OF CHAIRMAN HOWARD P. "BUCK" McKEON, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Chairman McKeon. Thank you, Mr. Chairman. Good morning. I want to welcome our witnesses here today and thank them for taking the time, especially in light of the difficult circumstances over the last few weeks, to appear before the subcommittee to help us learn more about the current system in place for international students wanting to study in the United States. I would also like to express my sincere and personal appreciation for your willingness to be flexible in the rescheduling of this hearing, which was originally scheduled to take place last week. As my friend and colleague, Representative Hoekstra indicated, this hearing is informational in nature. In light of the events that have taken place since the terrorist attacks on September 11, it is imperative we reevaluate the system in place to protect the freedoms and security of our citizens. The United States has an educational system that is the best in the world. We offer opportunities that some other nations cannot even imagine.

As I travel to other countries, I visit many foreign leaders, and advisors to foreign leaders that have studied in our country. We bring together the best and the brightest every day and we encourage lifetime learning for everyone. Though our educational system provides many freedoms and opportunities, it also creates challenges for those responsible for screening international students seeking to enter the United States and the educational institutions involved in providing the learning experiences that so many seek. According to recent data, in 1999, there were approximately 31.4 million total visas provided to individuals for entry into the United States.

Of that total, approximately 570,000 were granted to international students attending colleges and universities in our country. This hearing is not an effort to thwart the educational goals of international students seeking to participate in and benefit from the institutions of higher learning in this country. This hearing is simply an effort by the Subcommittee on 21st Century Competitiveness and the Subcommittee on the Select Education to learn the screening and monitoring processes that are currently in place for international students entering the United States.

For example, what process must students go through to receive visas? And what coordination takes place between the various agencies and organizations involved in that process? We have a great deal to learn about this, and we want to understand the whole process and how we can perhaps make it more efficient. We are also here to seek input from the experts to determine if there are things that can be done to not only shore up and make the process more efficient, but to insure that those seeking to enter the United States for legitimate educational purposes are permitted to do so.

As alluded to, the Student Exchange Visitor Informational System, or SEVIS, will, when fully operational, allow colleges and universities the ability to report information on those international students accepted for enrollment, but who do not attend or who transfer or drop out of school. The system will be Internet-based and will provide government agencies such as the INS and the Department of State with updates as to when a student in the United States on a student visa changes his enrollment status.

We would like to specifically hear from the representatives here as to how the gradual implementation of this system has affected them and how they will see their role in this and future developments with the SEVIS system. It will also be helpful to us to hear your recommendations for a faster and more complete implementation of the system. I am encouraged by some of the conversations I have had with the higher education community as to their willingness to work with each other and with Federal agencies to insure the completion of the SEVIS system, and to share the information they have on a timely basis.

I have talked to people that don't serve on this committee and don't understand how supportive our educational system is. I have heard some derogatory statements, and I am thankful for the opportunity today to clear this up. I am confident that we can work together to keep the educational opportunities of this great Nation available to those who want to take advantage of them, while at the same time, insuring the safety of our students. I want to thank you again for joining us here today and I look forward to hearing your testimonies. Thank you.

WRITTEN OPENING STATEMENT OF CHAIRMAN HOWARD P. "BUCK" McKEON, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – SEE APPENDIX B

Chairman Hoekstra. Thank you, Mr. McKeon.

Chairman Hoekstra. I will now recognize the ranking minority member of the Subcommittee on 21st Century Competitiveness, Ms. Mink.

OPENING STATEMENT OF RANKING MEMBER PATSY MINK, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Mrs. Mink. Thank you, Mr. Chairman. The issue that we are discussing today is very important because it reflects who we are as a Nation and how we must fight to preserve and promote our beliefs and our way of life. The September 11 attacks have highlighted, however, an important issue that we are called upon to investigate today, and I welcome that opportunity.

All schools, whether a traditional private 4 year institution or a small for-profit school, must now think about how to evaluate their potential candidates for enrollment, and whether the process that they have in effect is adequate. We should also be vigilant that we are not going too far in restricting or monitoring the movements of these students who are already the most heavily screened and monitored class of visitors that we have in this country.

Furthermore, it should not be our schools' responsibility to police our borders and we should not forget the valuable contributions that these students make to our Nation. And particularly when they return from their studies to their respective homes, the contributions they make towards the enlightenment of their societies about our way of life and our precious freedoms. We should keep in mind the student visas represent only a very small fraction of the visas issued to visitors in this country. It has been suggested that those on student visas have much more information collected about their activities in the United States than almost any other visa holder. As we know prospective students already undergo a rigorous screening and admissions check by the school, by the INS and by the State Department. Later, when the student is finally in the country, the schools are required to track and collect information about the whereabouts of the students the status of them and to provide the information to the INS upon request. Few other visitors in our country endure this kind of scrutiny, and while there may be changes needed on how this information is collected and distributed, we should be careful that we are not excessive in our demands upon these students. The vast majority of the visiting students are law abiding and we should aggressively sort out only the bad apples of those that we suspect of being involved in terrorist activities or have terrorist associations.

Visiting students represent a very important facet of our system of higher education, and the fact that so many seek out our system is testament to its quality and value. Our Nation, and indeed our values, has built the best education system in the world. We also gain from the visiting students. They bring a worldliness and a diversity on our campuses that help our students prepare for the competition of the global economy of the 21st century. Visiting students benefit us by gaining a better understanding of our values and our way of life and bring that understanding back to their countries, which is probably the most important aspect of their education in this country.

In a sense we are exporting our way of life abroad. And so we gain from these students not only their talent and their energy and the diversity, but because when they finish, they return home and take with them the important values that we sustain as a democracy. In this way, on our campuses particularly, we learn about the world and the world learns from us through these students. Thank you very much.

Chairman Hoekstra. Thank you, Ms. Mink.

Chairman Hoekstra. I would also like to acknowledge the presence of the ranking member of the full committee, Mr. Miller. Thank you for being here. And with that, I would like to introduce our first panel. First, we have Ambassador Mary Ryan. Ambassador Ryan is Assistant Secretary of State for Consular Affairs with the State Department. Playing an integral role in the review of and approval of student visas, Ambassador Ryan's experience and insight will help highlight the current process and any need for improvement in the system. Good morning and welcome. Our second witness will be Mr. Michael Becraft. Mr. Becraft is the Acting Deputy Commissioner at the Immigration and Naturalization Service. The INS is the second Federal agency playing a vital role in the student visa process.

We are looking forward to hearing his expertise in this area in order to learn more about how institutions of higher education are granted authority to provide I-20s to the student, which is one of the steps a student must take before being granted a visa.

Welcome to you. And we will begin with you, Ambassador Ryan.

STATEMENT OF MARY RYAN, ASSISTANT SECRETARY OF STATE, CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.

Ms. Ryan. Thank you, Mr. Chairman and members of the committee. I appreciate the opportunity to appear before you.

Chairman Hoekstra. Is the mike on?

Ms. Ryan. It is on.

Chairman Hoekstra. Is the mike on? Pull it close and we will be all set.

Ms. Ryan. I'm sorry. Thank you for the opportunity to appear before you this morning to explain the role of the Bureau of Consular Affairs, and particularly our visa processing system, in documenting foreign students to study in the United States. I am keenly aware that the events of September 11 have heightened congressional attention on this issue. My testimony will focus on the process and criteria we use to determine the eligibility of foreign nationals to study in this country. I will also note how our activities and those of the Immigration and Naturalization Service are designed to complement each other.

It is a tribute to the quality of the educational system in the United States that so many foreign nationals seek to pursue their studies here. Our student visa policy is based on the democratic values of an open society, and the general perception that foreign students make an important contribution to our Nation's intellectual and academic climate as well as to our Nation's economy.

In addition, a U.S. education plays an invaluable role in spreading American values overseas and in strengthening our bilateral and person-to-person ties with countries throughout the world. The criteria of U.S. Immigration law have, for many years, enabled bona fide foreign students to pursue studies in the United States. Prospective students can freely contact U.S. academic institutions to find a program that suits their interests and financial circumstances in very much the same manner as U.S. students do. Consular offices evaluate students' visa applications as they do all nonimmigrant visas by looking at the full range of criteria established by U.S. immigration laws.

The most pertinent elements of credibility are the applicants' plan to study and whether they have the financial means to pay for their education. The officer must also determine whether a student visa applicant has a residence abroad that he or she has no intention of abandoning, and intends to depart the United States upon completion of the course of study. Every student visa applicant must present one of two versions of the form I-20, the certificate of eligibility for nonimmigrant student status, depending on whether they seek to enroll in an academic or vocational program of study. The former receive F-1 and the latter get M-1 visas. The applicant and a designated school official must sign the completed I-20 form. It informs the Consular Office of the nature of proposed studies, the required level of English language ability, and the cost of the program.

The I-20 constitutes evidence that the applicant has been accepted to pursue a full course of study in an institution approved by the Attorney General for foreign students. In addition to the F and M student visas, the Department of State also administers the Exchange Visitor Program, which has 13 categories of visitors, including students who enter the country to pursue academic study. The applicant is classifiable as an exchange visitor when he or she presents a properly executed form IAP-66, the certificate of eligibility for an exchange visitor or J-1 status.

Denial of student visa applications usually occurs for one or two main reasons: Either the applicant does not have a bona fide interest in pursuing a course of study and is thus likely to seek unauthorized employment in the United States, or the applicant does not have the financial resources sufficient for a full course of study. Preliminary figures indicate that U.S. consular officers issued over 560,000 student and exchange visas in fiscal year 2001.

For the record, I am attaching to my testimony the visa issuance figures for the past 5 years. At this point Mr. Chairman, I would like to remind the committee that all visa cases, including student and exchange visas, are processed using automated systems which prompt a name check through the Department of State's centralized lookout system known as CLASS. A consular officer must review all hits before a case can be approved for printing, and there is no override to this feature. Simply stated, it is not possible to issue a visa unless a name check has been completed and reviewed by an officer. I would like to emphasize, Mr. Chairman, that the

Department has in place special clearance procedures for visa applicants, including students from countries of concern, such as those on the State Sponsors of Terrorism list, as well as for applicants whose planned travel raises concerns about unauthorized access to sensitive technologies. In these cases, clearance from Washington is required before the visa may be issued. The Immigration and Naturalization Service has the legal responsibility of determining which U.S. institutions may accept foreign students and also must issue an I-20. On occasion, consular offices have found evidence of misuse of the form and we have provided that evidence to the INS.

The events of September 11 have brought into sharp focus the need to more closely monitor the status of nonimmigrants in the United States, including students. In fact, measures for accomplishing this have been underway for some time. We in the State Department are actively participating with the INS and the academic community in the design and the development of the INS Student and Exchange Visitor Program, and its core application, the student and exchange visitor system, or SEVIS, which will convert a largely manual paper-driven process into a modern automatic system. I will defer to my INS colleague to outline the program in detail, but I believe it will not only contribute to our national security but it will also add integrity to the visa process by imposing greater controls on the I-20 and the IAP-66 forms that are central to the process of student visas.

Mr. Chairman, our free and open society will continue to attract talented young people seeking greater educational opportunities as well as those seeking political, economic, and social freedom. Foreign students make a tremendous contribution to American society and we must continue to nurture this vital relationship even as we improve the security of our borders.

Thank you, Mr. Chairman, and members of the committee for permitting me to share my thoughts with you this morning. I would be pleased to answer any questions that you might have. Thank you.

Chairman Hoekstra. Thank you.

WRITTEN STATEMENT OF MARY RYAN, ASSISTANT SECRETARY OF STATE, CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C. – SEE APPENDIX C

Chairman Hoekstra. Mr. Becraft.

STATEMENT OF MICHAEL BECRAFT, ACTING DEPUTY COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, D.C.

Mr. Becraft. Chairman Hoekstra, Chairman McKeon, on behalf of Commissioner Ziglar, I want to thank you for the opportunity to address the committee on the topic of foreign students. I am pleased that the Congress has passed and the President has signed the USA Patriot Act of 2001. I am especially pleased that Congress has authorized 36.8 million in funding for the student tracking system. The first 11.7 million of appropriations towards this amount is in the President's recently submitted antiterrorism request. As President Bush has emphasized, when somebody comes to the United States, we are going to be sure that they are here for their intended purpose.

Although the Commissioner could not be here in person, I am pleased to discuss with you the procedures and requirements currently in place for international students to study in the United States and the role that the Immigration and Naturalization Service plays in a productive partnership, both with the Department of State and with educational institutions. In short, our roles are complementary. The Department of State issues foreign student and exchange visitors visas. INS inspects and admits nonimmigrants and monitors foreign students, including certifying the institutions that are eligible to accept foreign students. The schools collect and report information to us. We understand that in our role as the regulator it is important to work closely with those we regulate: the schools.

Let me begin by saying that at INS we view this as an opportunity to better serve the American people by effectively controlling the immigration system; in this case, the regulation of foreign students. Undoubtedly there is no better way to teach democracy than to have foreign students experience it for themselves and then to take those important values back home with them. In implementing a student tracking program, we are not trying to make life difficult for the schools or the students. We are simply trying to operate in an effective regulatory environment. Doing so is in the best interest of the government and the students and the schools.

Certainly the tragedies of September the 11th have focused attention on foreign students and the way they are approved, admitted, and monitored upon entry. The vast majority of foreign students come to this country to study at our Nation's world-renowned institutions of higher learning. They come here to learn and to carry back experiences that enrich their lives and the lives of their countrymen. Their presence enhances the institutions they attend and contributes significantly to the U.S. economy.

Through regulations published in 1983, the INS and the schools formed an important partnership in the regulation of foreign students. At that time, the INS delegated certain authority to the schools to respond to the growing number of student applications and help streamline the processes. INS also required all schools previously certified to accept foreign students to apply for recertification. The INS mandated that all certified schools maintain records on the foreign students enrolled at their institutions.

One of the difficulties in implementing regulations to monitor foreign students is the tension and the perceived dual role that the school officials play. Many feel that they are caught between the act of counseling for students while operating under the expectation that they are to turn them in to the INS if the students fall out of status.

In 1996 Congress enacted a provision that cemented the relationship between the INS and the academic community. This provision, section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act, requires the INS to develop an information collection program in which schools play an integral role. We call this program the Student Exchange and Visitor

Program, or SEVP.

A very important component of the program is the automated system that we are developing, known as the Student and Exchange Visitor Information System, better known as SEVIS. Other important components of this program which get less attention are the sets of rules and regulations that all schools must follow in return for continuing to receive the benefit of admitting foreign students.

Objections from the educational community as well as Congress have delayed implementation of the congressionally mandated student tracking fee necessary to complete the deployment of SEVIS. However, with the tragedies of September 11, there is renewed support for moving forward. The INS, with your help, will meet and intends to beat Congress's deadline of January 2003 to begin implementation of SEVIS nationwide. Full implementation of SEVIS will revise the process by which foreign students gain admission to the United States, resulting in the improved integrity of the overall student visa process.

It has been said that after September 11 everything changed. I hope, and I am sure we all hope, that that is not true. America must remain America, a symbol of freedom and a beacon of hope to those who seek a better life for themselves. We must increase our security and improve our systems, but in doing so we must not forget what has made this Nation great: our openness to new ideas and people, and a commitment to individual freedoms, shared values, innovation, and the free market. This includes providing international educational opportunities that benefit both the United States and the many nations around the world that send their citizens here to learn. In response to the events of September 11, if we reject what has made America great, we will give the terrorists a far greater victory than they ever hoped for.

Thank you for the opportunity to appear here, Mr. Chairman. I look forward to your questions.

Chairman Hoekstra. Thank you very much.

WRITTEN STATEMENT OF MICHAEL BECRAFT, ACTING DEPUTY COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, D.C. – SEE APPENDIX D

Chairman Hoekstra. I think we all have a tremendous number of questions on exactly how the system works and exactly where we need to be. We will try to hold all of the members to the 5-minute rule so everybody can have a chance to ask their questions and get the information they would like to have.

If you take a look at September 11, it appears that at least two of the terrorists might have been here on student visas in one form or another. What steps do we currently have in place to track a student who is here on a visa: What happens the day they are allowed entry into the country; what happens to that student; what kinds of information do we have on those students after that?

Mr. Becraft. When the student arrives at the port of entry, his I-20 form, passport, visa, the I-94 form that he signs as he gets off the aircraft, his entry/exit form are reviewed by the inspector. They are annotated. The I-94 form is annotated in his visa and the review is done on the I-20 form that states the school he or she is going to attend. We retain a copy of that I-20 form. He takes the copy, his visa and passport after they are properly annotated, and we send that form into the School Student System which is headquartered in London, Kentucky. It goes into our INS system and into a database, and that information is sent to that system. Essentially, what it includes is his name, the country he is from, the status upon which he arrived, if he is an F-1 or an M-1, and the duration of status. If he is an F-1, that is an agreement with the schools that we allow them to stay for the duration of status of the educational program that they are in. If it is an M-1, it is a case of the duration of the vocational training that he is in, and his expected departure date. His address goes in there, and that is about it.

Chairman Hoekstra. And if someone comes in for undergraduate work, could they get a 4-year visa?

Mr. Becraft. Well, if they come in and are accepted, for example, at the University of Wisconsin in Madison.

Chairman Hoekstra. We would prefer them to go to U of M, but that is okay.

Mr. Becraft. Of course. But it would be for the duration of status.

Chairman Hoekstra. So it could be for up to 4 years.

Mr. Becraft. It could be for up to 4 years. And it could be up to 7 years, if the individual wished to go on to graduate school and was accepted at a graduate school.

Chairman Hoekstra. Okay. If they are in the country and have the form that says they are heading to an undergraduate program, they have a 4-year visa, but do not attend the program, how soon would we know?

Mr. Becraft. That is problematic today.

Chairman Hoekstra. Okay.

Mr. Becraft. That is seriously problematic today.

Chairman Hoekstra. We wouldn't know.

Mr. Becraft. It is quite possible that we would not know. In the school, if an individual dropped out of the school, for example, and even if the school notified us on that, I am being quite realistic with you.

Chairman Hoekstra. We hope so.

Mr. Becraft. I mean, you can go to an office in Philadelphia or go to Houston and you are going to see there is one person assigned there to manage this, probably an examiner in the district office. They may have a stack of files this high of reports on individuals that, in fact, they have been unable to respond to. There may be just one person assigned to that.

Chairman Hoekstra. Okay. So right now, we really don't have a very effective tracking process.

Mr. Becraft. I would say that is correct.

Chairman Hoekstra. Okay. Will SEVIS address this problem?

Mr. Becraft. I think SEVIS will help us address this problem, because as I read SEVIS - and I will refer to my colleague here, Mary Ryan - SEVIS is going to help us do two things. One, once it is totally up, the exchange of information between the State Department, the INS, the law enforcement agencies, and the collective databases that are available to the United States Government, is going to help us better check to ensure that if someone who is questionable is stopped at the consular's office in the country of origin - that is where we want to stop it.

Chairman Hoekstra. Right.

Mr. Becraft. If someone then comes into the United States, the ease of updating the system will allow us to better monitor. Flags will start going up. Okay. The system is made so that if, in fact, an individual drops out of school, flunks out of school, you know, just disappears, there will be a flag that says this person has done that. Then we can be notified at the INS and then we can ensure that people out in the field understand that this person is apparently out of status.

However, the next dilemma for us is having the resources to go out there and do something about that. So the information is going to be made available to us in a better format than it has ever been made available to us before. It then comes back to an issue of resources and priorities. How do you then identify who are the critical people to go after?

Chairman Hoekstra. Yeah. Because, I mean, I think that is important. I view a student applying for a student visa as kind of like a contract. I am not an attorney, but, it is kind of like we want to come to the U.S.; here is the agreement. We are coming to go to this university or this college for this length of time. When the student then drops out or whatever, we should know, because at that point in time the student has violated their end of the bargain. Then it becomes our responsibility as the Federal Government to reexamine the viability and the appropriateness of that individual maintaining a visa that allows them to stay in the United States.

Mr. Becraft. Correct. We would agree with you.

Chairman Hoekstra. My time is up. I will yield to Mr. Roemer.

Mr. Roemer. Thank you, Mr. Chairman. Back in 1993, one of the convicted terrorists of the 1993 World Trade Center bombing had come in on a student visa, had dropped out of school and evidently not been tracked, and then helped perpetrate the bombing. Then FBI Director Freeh became concerned about this and asked that we find better ways to improve the tracking system here, which apparently we have not done.

Mr. Becraft. Well, I think we are on the verge of coming up with a very effective tracking system. But I will make no excuses for the past.

Mr. Roemer. Now, according to reports, we have possibly 2 of the 19 terrorists that committed the atrocities on September 11 had come in with student visas. Is that correct according to your information?

Mr. Becraft. We have information that one of those individuals came in on a student visa. I think it is questionable as to the second one that you are talking about. I don't have that information.

Mr. Roemer. And it is questionable.

Mr. Becraft. It may be that he may have applied for a student visa after having come in as a B-1 or B-2.

Mr. Roemer. And does the State Department agree with that? Are they saying one, possibly two?

Ms. Ryan. Yes, sir. We agree with that. We say one. Hani Hanjour entered as a student. We don't have any information that anyone else came in on student visas. Our information is that all the others came in on B-1, B-2s, which are tourists' short duration visas; business, not students.

Mr. Roemer. And out of the people that have been detained in this country, roughly 997 or 1,000 people being detained for different reasons and questioned, do we have any breakdown of the number of people that may have been on student visas in that category?

Mr. Becraft. I don't have that with me, sir. I am sure we could provide you with that information.

Mr. Roemer. With respect to the effectiveness of looking at students coming in, according to an article today in our newspapers, you check currently to look at whether students might be on a list of state sponsors of terrorism. However, according to reports that are given to us or that we read in the newspaper, some of these purported terrorists that came in prior to September 11 came in from Germany, Saudi Arabia, and the United Arab Emirates. Do you have suggestions as to how we better analyze and comb through and try to look at these things to see how we can curb that in the future?

Ms. Ryan. The best way that we can do that, sir, is to get information. We have state-of-the-art name check systems in the State Department. We have the best systems in the world. We have the best system money can buy. We had no information on any of these 19 before September 11 when they were issued their visas. We have to get better information from the law enforcement and intelligence agencies if we are going to do the job of being the outer ring of border security. We have to get the information. There must be information sharing. And I actually look to you all to help us to get that information.

All of those people's names were run through our name check system. We had nothing on any of them. There is no way not to check the system. You can't issue a visa without checking the system. And anytime anybody hits, as we say, any time a name comes up that has the same name as the person in front of you, the consular officer has to go through that information to ensure if it is the same person or if it is not the same person. There are all kinds of ways, I believe, that the intelligence and law enforcement communities could give us this information and protect what they are most worried about, which is the sources and records.

Mr. Roemer. Let me interrupt very quickly and ask you, then, if the FBI had one of these 19 on a most wanted or watched list prior to September 11, they were not sharing any of that information with the State Department?

Ms. Ryan. All I know, sir, is that we had no information on them. I don't know if they were on FBI watch lists, but I know we didn't have them.

Mr. Roemer. But you don't coordinate with FBI watch lists prior to September 11, so even if they were, the two agencies were not communicating.

Ms. Ryan. If they were on the FBI watch list, the FBI did not provide that information to us; that's right, sir.

Mr. Roemer. And so you are advocating for a better handoff and better exchanges between intelligence, law enforcement, State, and INS.

Ms. Ryan. We have to have that.

Mr. Roemer. Mr. Becraft, do you agree that we don't have a handoff after that - communication at this point?

Mr. Becraft. Well, I would say that since the 11th of September, Ambassador Ryan, Commissioner Ziglar and myself, and many others that are sitting here today, have been working this issue diligently with the law enforcement agencies and the intelligence agencies that serve this Nation. I mean, I think that we are all captured with the fact that the only way we are going to stop this is that if we are going to be on the front lines the way INS is, the way the State Department consular officers are, then we have got to have the information. I would agree totally with Ambassador Ryan on her comments.

Mr. Roemer. Thank you, Mr. Chairman.

Chairman Hoekstra. Yeah. I think Mr. McKeon just mentioned that again he heard on the media that he wasn't sure that some of these organizations, either the FBI or whatever, have a watch list. And as Mr. Roemer and I have found out on the Intelligence Committee, we really need to focus on the handoff between the different intelligence agencies, the information that they have, and the agencies that need the information. They have to be able to do their job effectively. And you have given us something that we maybe need to take a look at in the Intelligence Committee as to how this information flows back and forth.

Mr. Becraft. If I may, Mr. Chairman, I would also want to add, though, that there has always been attention in the world of intelligence and the sharing of intelligence between agencies, certainly between law enforcement agencies. But I do see a major change in the way people are thinking about doing business in the future. And I don't know if Ambassador Ryan sees it the same way, but there have been serious indications that the past cannot stand, that we have got to change the way we do business.

Chairman Hoekstra. We had an open hearing in New York on Monday where State and local officials were asking for almost the same request that you guys were asking for, which is, you know, if you have got information at the Federal Government level or at the intelligence level, please share it with us; we need that information to do our jobs effectively.

Mr. Roemer. If I could. So these have been cultural barriers that have really precluded this from happening, rather than legal or statutory barriers, because as you stated, since September 11, it has improved. So you don't need new statutory authority in Congress to do this?

Mr. Becraft. There may be statutory authorities that are going to be required, and I am not sure it is so much cultural as it is the perception of what people are willing to share. Maybe that is a cultural issue. But it is the perception of: Can I trust the State Department to use this information and not lose it on us? Can I trust the INS to do it? These are problems that have been around for a long time. This isn't something new that we are facing. I mean, I think we faced the same thing early on in the drug war.

Chairman Hoekstra. All right, thank you. Mr. McKeon.

Chairman McKeon. Thank you, Mr. Chairman. As I listened to your testimony and then listened to the questions that have been asked, this hearing is being held by the Education Committee, but out of 19 terrorists, we have information that 1 of them may have been in the country on an education visa, out of 31 million visitors with visas that come into the country in a year. It seems to me that this is a huge problem. And Mr. Becraft, you said that it will take until January 2003 to fully implement SEVIS. And even then, if it is implemented and you receive current information that there is a problem, you don't know that you will have the resources to do anything about it.

Mr. Becraft. Well, I think we will be better prepared. But I have got to be honest with you; the ability to react to these requirements is taxing on us. I mean, we have 2,000 investigators, special agents in the Immigration and Naturalization Service. At least half of those people today are involved in this terrorist investigation. And there are lots of priorities out there. We have terrorists and criminal aliens and we have had to prioritize in the past because we just don't have enough folks to go around. And so we have prioritized.

Prior to this tragedy, our priorities were to gather up criminal aliens and remove them from the country. The next priority was to concentrate on human smugglers and the tragedy of human smuggling. And so just the volume of schools, for example, that are in this program -. Today there is something like 74,000 schools in this program as it exists today, and that is a paper program.

Chairman McKeon. 74,000 schools.

Mr. Becraft. 74,000 schools. Those are vocational schools; they could be people that provide, you know, intensive language training. That is something that Commissioner Ziglar is looking at very carefully at this time. We are going to start deciding who needs to be in the program and who needs to be removed from the program. As Jim says, we are getting rid of the flim-flams and we need to look at that. But, you know, our resources; we have to very clearly, you know, commit on priorities. And up until the 11th of September, I just mentioned to you our priorities were getting rid of criminal aliens.

Chairman McKeon. From what I have seen of the terrorist attacks on the 11th, it seems to me these people were well prepared. They knew very well what they were doing. And all of our attention seems to be on ensuring that a student that receives an I-20 and receives a visa and comes into the country does in fact register at the school, does in fact attend classes. It seems to me if a terrorist just wanted to avoid this problem, they would follow those steps, they would attend class, and then they would go about their activities between classes.

So even if they complied with all of the things we were asking, they still would have been free to do whatever they wanted to do as far as terrorist attacks. So, this being such an open society, we just have very serious problems. I think, Ambassador, you mentioned you need more information. That to me seems the critical point. If you receive an I-20 and the person that wants to enter the country goes into the embassy to get their visa, what kind of a process are they put through? I have heard it is a 2-minute interview. However, I have had my case workers that have tried to help on the other end say that they have had impossible times trying to get people into the country on these visas. So what happens?

Ms. Ryan. The process is this, sir. When a student comes to apply for a student visa, he or she brings with them the I-20. They bring with them evidence that they have some financial backing that will allow them to pursue the course of study that they intend to pursue; that they have real ties to the country of their origin; that they don't intend to abandon their residence and remain in the United States.

And they are interviewed. I mean, we are looking for whether somebody has good English language skills. If someone is going to go to a university, is he or she going to be able to pursue the course of study in English if their English is not very good?

Up until September 11, quite frankly, we depended very much and we still do on people giving us information about terrorists, about criminals, about people that are -.

Chairman McKeon. Was this kind of like, at the airport, did you pack your own bags and did anybody ask you to carry something on, or is it kind of a real thing?

Ms. Ryan. Fair enough. We have a program that we set up after the 1993 World Trade Center bombing which we called Tip-Off. It is run through our Intelligence and Research Bureau where law enforcement and intelligence give us names. And, in fact they have given us a lot of names of people that should not be in this country. But we had no information on these.

Chairman Hoekstra. Thank you.

Ms. Mink.

Mrs. Mink. Thank you very much.

Could you explain the differences by country or regions of the world with respect to the ease by which student applicants that want to come to our universities are granted visas? Is it easier to get a visa from a certain part of the world than from other parts?

Ms. Ryan. I would say, no, it isn't. I would say the process is the same no matter where the student applies. What we are looking for are the things that I just said: proof of ability to study, proof of language ability, proof of financial resources, demonstrated ties to the country, and no intention to abandon a residence. Those are all of the things we check with every student, every -.

Mrs. Mink. Does a student from Saudi Arabia, for instance, have an easier time getting a student visa to come to this country to study, assuming they meet all the other requirements?

Ms. Ryan. I am not really sure that is accurate.

Mrs. Mink. I am asking a question. I am not making a statement.

Ms. Ryan. We know the Saudi - the student has the money. We know that. Frequently, they speak English. It is a very low-fraud country. There are not a lot of fraudulent documents that people present to us in an attempt to get a visa or transcripts from schools that someone has forged for them or bank accounts that someone has created for them. So it is a very low-fraud country.

Mrs. Mink. Do you have statistics to show how many, say, from Saudi Arabia apply for student visas and are rejected?

Ms. Ryan. I can get that for you. I will get that information for you. I don't have it off the top of my head. I am sorry.

RESPONSE SUBMITTED FOR THE RECORD BY ASSISTANT SECRETARY OF STATE RYAN TO QUESTIONS SUBMITTED BY RANKING MEMBER PATSY MINK, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. - APPENDIX E

Mrs. Mink. Because my own experience in cases I have coming from the Philippines and others it is incredibly difficult for these individuals to come primarily because of their lack of economic resources. So we know there is that disparity.

With respect to the hijackers that came in, the 19 that we spoke about earlier and one having a student visa, was that visa current, valid? Was that individual attending college at the time of September 11? Is there any way we could find out? And how long had that person been in the United States and for what reason?

Ms. Ryan. The visa was for English language study, intensive English language study; and to the best of my knowledge the individual never appeared at the school. He entered the United States with the professed intention of studying English and then never went to the school. He just disappeared into the country.

Mrs. Mink. Do we have any mechanism in place where, if that should occur, a visa being issued to a student at a particular institution that approved the enrollment and the student never appeared, is there some way in which you would be notified immediately by the institution that that occurred, that the student never arrived.

Ms. Ryan. No. To my knowledge there is nothing in place right now.

Mrs. Mink. Either at the INS or the State Department?

Mr. Becraft. It would be at the school, if the school thought it was appropriate to notify the INS if -.

Mrs. Mink. So do we need a law, then, to require that that be reported, at least at the first entry of the student? You may not be able to track them continuously while they are here, but certainly on the first instance shouldn't we have a provision which requires that report to be filed to the State Department or the INS?

Mr. Becraft. Whether that is by statute or by regulation, I am sure that it is something we are going to be looking at in the SEVIS program. That is what we would like to have happen in the SEVIS program.

Mrs. Mink. Is there something that prevented it from being required at the institution to report that to you?

Mr. Becraft. There is nothing that I know of that prevents that, no.

Mrs. Mink. So the instances then of students that come to this country-.

Mr. Becraft. If I could, Congresswoman, the Illegal Immigrant Reform and Immigrant Responsibility Act mandated that they do report that.

Mrs. Mink. In this case why did they not report it?

Mr. Becraft. I can't tell you.

Mrs. Mink. Which institution was this?

Mr. Becraft. Well, our system is not up right now, so I don't know.

Mrs. Mink. The law did not go into effect without your system being in operation?

Mr. Becraft. It is not.

Mrs. Mink. Thank you, Mr. Chairman.

Chairman Hoekstra. Thank you.

Ms. Roukema.

Mrs. Roukema. I appreciate Ms. Mink's questions, and now I am more confused than ever with your responses. Don't take this personally, but I have got to say that, given the fact that President Bush has already spoken out on the need for major immigration reform and specifically identified student visas as a component of that reform, I had fully expected you to come here today not with rationalizations of the system but with some recommendations for a better system.

Now, Ms. Ryan, you did say we have to keep them out; and yet in both of your testimonies I didn't really hear how you would propose reforms. And the question that is in my mind, even with the I-20 form, how did they get the visas to begin with? And it wasn't only the one person. There were a good number of them. Nobody denies there are a good number of thousands, if not millions, of student visas and tourist visas that haven't been violated and people are in this country, but I wish you would give us some specifics as to how we are going to deal with that.

Again, given the President's proposal, and I believe somebody has referenced that it might take 2 or 3 years to get all of this in place, shouldn't we have some sort of a moratorium or some sort of limitation on the gross granting of student visas in the future?

Ms. Ryan. I would argue against that, because I think that -.

Mrs. Roukema. I was afraid you were going to, but why?

Ms. Ryan. I think it is very important we continue to have an open society-.

Mrs. Roukema. Not an open society for people who are violating the law and who are potential terrorists or criminals that get into this country and then we have to deport them.

Ms. Ryan. But my original point, if I may -.

Mrs. Roukema. Go ahead.

Ms. Ryan. That is why we need information from law enforcement and intelligence to keep these people out. We don't want to keep out people who have no intention of harming us. We want them to come here and understand our principles and values.

Mrs. Roukema. Excuse me. The time is limited.

There is no doubt about that. I am in agreement on that, but I was hopeful that you could give us some specifics as to how we could reform the system either through legislation or regulation to deal with that problem. Mr. Becraft, could you give us some? And I have a follow-up question.

Mr. Becraft. Sure. On the issue of the moratorium, the question is, how long. Really, that is the question. Some people have been talking about a 6-month moratorium. Do you make it a year moratorium, and then what are the consequences of doing that? I am not sure. And, being perfectly honest, I am not sure that we will be able in 6 months, for example, to improve tremendously on our ability to track people who are already here and are in violation of their status as a student. So I would have to echo what Ambassador Ryan has said, if we are going to keep the bad people out, and that is really what we want to do rather than, matriculating in colleges, we need the intelligence information, the law enforcement information shared so we can do that.

Mrs. Roukema. You feel that is competently handled in the President's proposals?

Mr. Becraft. I think it is being very clearly analyzed and worked on at the highest levels of government today.

Mrs. Roukema. We will follow that. I am still going to pursue the moratorium with the immigration task force with which I work.

But I do want to ask you, Mr. Becraft, about the INS. Coincidentally, the New Jersey Department of Motor Vehicles a couple of months before this terrible tragedy had contacted me because they don't - they claim they do not get the cooperation of INS when they have to deliver - give drivers' licenses in New Jersey and they get turned off and tuned out by INS. Coincidentally, then, September 11 happened and two of the terrorists had New Jersey licenses. Now, can you help me figure out - is it just a matter of law on the one hand which they have claimed and on the other hand they say we are just too busy to deal with that? Can you help us as a component of reform to deal with that part of the question or have you not heard of this before?

Mr. Becraft. I have not heard of the specific instance here where, you know, the DMV had apparently asked INS. That is news to me now.

Mrs. Roukema. Yes. And I contacted the INS on the subject, but we hadn't gotten anywhere.

Mr. Becraft. I would be happy to look into that for you.

Mrs. Roukema. But now again two of the terrorists did have New Jersey license plates, and they probably should have been denied, and yet there was no cooperation there.

Mr. Becraft. It is quite possible, and I can't speak to the specific instance here. We would hope that our offices are cooperating with other State and local governments across the Nation, and that is something we would really like to see happen.

Mrs. Roukema. Let us stay in communication on that because that is one specific we should deal with as part of the larger question.

Thank you.

STATEMENT SUBMITTED FOR THE RECORD BY THE HONORABLE MARGE ROUKEMA, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. - APPENDIX F

Chairman Hoekstra. Mr. Miller.

Mr. Miller. Thank you very much and thank you for your testimony.

Ambassador Ryan, how many students overstay their visa now?

Ms. Ryan. I don't have those statistics, sir. Sorry.

Mr. Miller. Are there statistics available?

Mr. Becraft. Well, I will say I am not sure we can tell you how many have overstayed their visas right now.

Mr. Miller. We would not know the cumulative number from year to year?

Mr. Becraft. I could not give you that statistic at this time.

Mr. Miller. What is the due diligence on the part of the country at which these students are leaving to come here to study? Do they have to attest anything about these students?

Ms. Ryan. No. But we would ask the students for transcripts and for proof that he or she has financial resources and things like that that they would get from the schools where they studied or their banks.

Mr. Miller. So it is all testimony by the student.

Ms. Ryan. Yes.

Mr. Miller. And if the documents are valid, if they are valid and if they are forged and not detected, then they are forged and not detected, but essentially it is a one on one with the student? The student has to answer the questions.

Ms. Ryan. Yes, sir.

Mr. Miller. And when the student is given the visa to come into the country, is that to a specific school?

Ms. Ryan. It is usually to a specific school for his particular course of study.

Mr. Miller. When would that school be notified that that student is on their way?

Ms. Ryan. They are not notified. They issue the I-20. If the visa is issued, the student takes his passport and the visa and the I-20 and flies to the United States and applies at the port of entry for admission.

Mr. Miller. If the student applied to Notre Dame or to Southern California - just to keep it balanced here - Alabama and some other institution, they wouldn't - they don't know - how do they know the student is coming? Because the student has paid the tuition?

Ms. Ryan. That is right, and they issued him or her the I-20. That is the proof that the student is going to be -.

Mr. Miller. So the school does then know on the issuance of the I-20 that the student is on their way and theoretically would be there for opening day?

Ms. Ryan. Theoretically, yes, as far as I know.

Mr. Becraft. When the school accepts the student, they send the I-20 to the student; and the student fills out the I-20 and delivers that I-20 to the consular office -.

Mr. Miller. At that point, have we narrowed the universe?

Mr. Becraft. Yes, we have narrowed -.

Mr. Miller. So we have one student and a match with the university, assuming a university or a vocational school where that student is going, even though he may have applied to multiple schools-.

Mr. Becraft. He may have applied to multiple schools and received I-20 acceptances at 10 schools, but when he applies for the visa to get into the United States, it is on one school.

Mr. Miller. So, in theory, that school should be expecting that student on the first day of classes; and if that student doesn't show up on the first day of classes under the 1996 law, they are to notify you?

Mr. Becraft. That is correct.

Mr. Miller. How many notifications have you received?

Mr. Becraft. I could not tell you at this time.

Mr. Miller. Is it thousands or hundreds?

Mr. Becraft. I wouldn't even conjecture on that, Congressman. I can't tell you.

I go back to my comment earlier about the stacks of paper files that are sitting on desks.

Mr. Miller. If it was a really high stack of paper files you might think something has gone really wrong with the system.

Mr. Becraft. Right.

Mr. Miller. Is it 10 percent of these students? Is it 50,000?

Mr. Becraft. I could not say.

Mr. Miller. Five thousand?

Chairman McKeon. Will the gentleman yield?

Mr. Miller. Yes.

Chairman McKeon. I think there maybe is a misunderstanding here. If I am a student and I applied to 10 different schools and they all send me I-20s and I go to the consulate and get a visa to enter back, those 10 schools don't know I am coming until I happen to show up.

Mr. Miller. No. But the one that -.

Mr. Becraft. You have got to show up. The instructions are there on the I-20 that he is -.

Mr. Miller. But the visa is given for the purpose of going to the University of California.

Mr. Becraft. That is correct.

Chairman McKeon. But that is given to the student, and the student doesn't show up. The school doesn't know they are coming.

Mr. Becraft. That is correct.

Mr. Miller. So you don't - the school has no reason to know whether or not they show up on the first day unless they prepaid their admission.

Mr. Becraft. If they received their money, they would expect them, I would imagine.

Mr. Miller. The genius of terrorism is they analyze systems. They analyzed the security in Beirut. They analyzed the security in Saudi Arabia. They analyzed the security in Kenya. They analyzed our airport security system. They obviously analyzed the visa system, figured the Saudis were the easiest place to go, and they analyzed it and found the weaknesses. But it looks to me, the people running the system, there is no sense of due diligence in terms of analyzing our own systems.

I appreciate your system isn't up and running yet to receive what the schools sent you, but if they sent you a big stack of paper files about students who haven't shown up one way or another, if that is what is in those files, what the hell is going on? I mean, I don't get it. If I have got a bunch of casework stacked up in my congressional office, I start to say to my caseworker: Why is this casework all backed up here? What is it we are doing or what is the problem here? You do some kind of an analysis over this period of time.

The reason the law was passed in 1996 was because people thought this was important, like the Congress. If I just - for one second, I want to go back to what you said.

Chairman Hoekstra. I want to note for the record that a couple of minutes ago, for the first time in 8 years, I almost saw Mr. Miller speechless.

Mr. Miller. I am going to try to overcome that in the next 30 seconds. I think we have got to look at this a little bit differently. This is a contractual arrangement and maybe the contract isn't written tightly enough about which institution you go to and you have to pick and choose before you ever leave your country of origin, but I also think there has got to be some due diligence on the country that in theory is reaping the benefit of sending its students to the United States for the kind of training that they can receive here and for whatever reasons they have chosen not to get somewhere else. At some point I think they have got to check on whether students arrive at that university or whether they have dropped out and maybe they have to notify the student's family that the student is now oversees illegally subject to imprisonment or what have you. Why is this just a burden for the INS?

In theory, we have a lot of different kinds of visas and some we don't think are terribly - we don't think it is a great privilege because we want tourists for the economy so we want to encourage those people. But H-1 visas or student visas or what have you-I think at some point there has to be some due diligence on the part of the countries that send these people to us. I don't think it is a big burden, but maybe they should attest to the fact that this application, if you will, is in order, that they have checked it out. Because otherwise you say, as you have the airport, questions - have you packed your own baggage? Hell, yes, and I am on my way.

I think it is a very good hearing, and I realize this is a small part of the millions of people that enter the country, but we can only deal with that part of it. Other committees will have to deal with the other parts, but I think we have to do some of that due diligence here, too, on this issue, but I think we have got to spread the burden a little bit.

Same way in terms of the universities' notification. You know, first the squawk that went up is that we are going to lose a huge amount of money if Senator Feinstein's moratorium went through. Well, maybe some of that money has to be plowed in to some due diligence on whether the students show up and what happens if they drop out and the rest of that. But-.

Thank you.

Chairman Hoekstra. Thank you, Mr. Miller.

Mr. Tiberi.

Mr. Tiberi. Thank you.

Mr. Becraft, what type of visa, or is there a visa for a foreign national to come to a flight school in America?

Mr. Becraft. Depending upon the duration of a school, it possibly could be an F-1 or an M-1. For example, there are some 4-year colleges that - you know, I think there is a school in Florida that is a 4-year school, and they may - that would probably be an F-1 visa. If it was a vocational type of flight school, for example, it would be an M-1 -.

Mr. Tiberi. But it is required to have -.

Mr. Becraft. - for them to come here to go to school. To apply overseas, for a student to do that, that is a student visa.

Mr. Tiberi. How were some of the terrorists able to attend flight schools here?

Mr. Becraft. That is a good question. If they didn't apply, I don't know how they got into them.

Mr. Tiberi. Are there any penalties for a school, whether it is a flight school or another type of school, a vocational school, to accept someone who is not in proper status?

Mr. Becraft. There is always the possibility if they have been certified that they could be decertified as a school able to accept international students.

Mr. Tiberi. Is there an investigation going on regarding the student or the students who attended flight schools in the United States and whether they were in proper status or not?

Mr. Becraft. Congressman, I don't have the facts on that. I can certainly check on that.

Mr. Tiberi. Is that something you can get back to us on?

Mr. Becraft. Certainly.

RESPONSE SUBMITTED FOR THE RECORD BY MICHAEL BECRAFT TO A QUESTION SUBMITTED BY THE HONORABLE PATRICK TIBERI, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – SEE APPENDIX G

Mr. Tiberi. Is there an easier way, Mr. Becraft, for an international or a foreign national to come into the United States on a visitor's visa and then switch to some type of student visa? Is there less of a background check, more of a background check. Is it more difficult, easier?

Mr. Becraft. I think we always look carefully at anyone who comes into the country on an existing visa, whatever that may be, and then attempts to change status to go to school. So I would not call that an easy way of getting in the school. The best way to do it is just to ignore, you know, applying for a visa and see what luck will bring you. That is probably what some of these guys did.

Mr. Tiberi. And, again, right now, as far as we know, there aren't any penalties for a school that accepts a student who is not in proper status?

Mr. Becraft. As I said, if they do it knowingly and they are a certified school and we find out about it, they would be decertified.

Mr. Tiberi. Ambassador Ryan, is there a standard background check for a student or any nonimmigrant coming in on any of the nonimmigrant visas, whether it is a student visa or a visitor's visa?

Ms. Ryan. How do you mean "background check"?

Mr. Tiberi. Whether or not someone has a criminal record or not.

Ms. Ryan. No, we don't check that.

Mr. Tiberi. So a person could be coming from the United Kingdom with a criminal record on a visitor's visa or a student's visa and be issued a visa -.

Ms. Ryan. If they don't tell us the truth. The visa foreman asks those questions. If they don't tell us the truth and we don't have their names in our system, we would not know that.

Mr. Tiberi. How would you have their names in the system?

Ms. Ryan. If we get them from the intelligence community or law enforcement.

Mr. Tiberi. Our law enforcement.

Ms. Ryan. Our law -.

Mr. Tiberi. Is there any cooperation-.

Ms. Ryan. There is tremendous cooperation with Interpol and with the law enforcement agencies in this country with other law enforcement agencies and with Interpol, but they have to give us the information.

Mr. Tiberi. But there is absolutely no proactive checking on our part as a government?

Ms. Ryan. No. But, Congressman, I would caution you from thinking that is a way of finding anything out about people. Because our experience is that the police checks in many countries in the world are essentially useless. You can buy them. And so there is little purpose in trying to check the backgrounds of people who can, in effect, pay to get a clean police certificate.

Mr. Tiberi. Mr. Becraft, does the INS have any statistics on the percentage of students who come here and either stay legally or illegally after their time is done?

Mr. Becraft. As I mentioned earlier, Congressman, I don't have any overstay statistics on these student visas. They would be guesstimates, and I am not willing -.

Mr. Tiberi. So the INS doesn't track, for instance, if between 1990 and 2000 50 percent of students coming from Germany stayed here beyond their status? There is nothing like that?

Mr. Becraft. We can check on individual cases, but we have had trouble doing the overall, you know, estimates and want to-.

Mr. Tiberi. Would the SEVIS system help with that?

Mr. Becraft. I would hope it would help, yes, indeed.

Mr. Tiberi. Thank you.

Thank you, Mr. Chairman.

Chairman Hoekstra. Ms. Rivers.

Ms. Rivers. Thank you, Mr. Chair.

I have a couple of questions but first a comment, because I am troubled by things I have heard. I am very concerned that as we have this debate we are going to end up demonizing two populations, first, foreign students in general and, secondly, the INS and the State Department and their staff; and I think we have to be very careful that we don't do any either of those things.

Someone referred to a moratorium on foreign students as being necessary because they are lawbreakers and potential terrorists. We are talking about a very tiny portion of people who come into this country who meet that criteria, and I am troubled by the broader definition being used for the entire population.

The other thing I am concerned about, and I have some questions around this, is that we are all for smaller government right up until the moment we want bigger government, and we want bigger government when we are afraid. And for the last 7 years, at least for the time I have been here, I have watched Congress repeatedly cut the State Department's funding. We have been locked in mortal combat with them because of the fight that has come out of the Senate, and my recollection is that we have made redirections with INS monies out of administrative salaries which are for oversight and those kinds of things. So I am very interested in, given the money that you have gotten from Congress, could you currently put in place the kinds of checks that people are advocating here? In other words, do you actually have the staff, do you actually have the office space, do you actually have the machinery to suddenly do the things that people are all expressing a desire that you would have done up until today?

I would be interested in hearing from both of you.

Ms. Ryan. Congresswoman, I will tell you, quite frankly, I don't know how we are doing what we are doing now with the staff that we have. We have, thanks to the Congress, machinery for visa fees, which is an application that all nonimmigrants or just about all nonimmigrants pay. That is what has funded our state-of-the-art check system. That is not appropriated money.

The 1990s were a terrible, terrible decade for the State Department. In many years we were not even able to hire to attrition, let alone meet the needs we have. And I will tell you frankly that I think consulate offices around the world are stretched just about as thin as they possibly can be. They take their jobs very seriously, they work terrible hours, they work very hard, and the ones who issued to these people are devastated by the fact they were, in the cases where they were interviewed, taken in by these people.

But we are very shorthanded. We do not have the personnel resources that we need to do the job the way it should be done.

Ms. Rivers. Before I come to you, Mr. Becraft, I want to follow up. So is it fair to say that as Congress investigates all of the causes of this problem that occurred with people coming into the country that we should also take a look in the mirror and look at how we have funded these agencies in the past? Is that a fair statement? That is a softball to you. You can hit a home run with that.

Ms. Ryan. I think, frankly, yes.

Ms. Rivers. Mr. Becraft, what about your folks? Can they do the kinds of things that they have expressed a desire for with the budget that you have? Could they have done the things that we are talking about here on the budget and the staffing you have been given?

Mr. Becraft. I think if anyone knows anything about the INS and has watched it over the past 8 years, the challenges for the INS have been unbelievable. I joined INS in 1993 as a consultant and became Chief of Staff in 1995. In 1993, INS had something like 18,000 people in its employ. The budget was $1.2 billion. In a short period of time - 8 years is fairly short in the way government works - our forces today are standing close to 35,000 people, and the budget has more than tripled.

There are great challenges in trying to manage an agency in that type of dynamic change, so it is hard for me to stand here or sit here today and say, especially next to my colleague, Mary Ryan, that the INS hasn't gotten its fair share of funding.

The dilemma is that in those 8 years priorities have been focused in a lot of different directions. We have focused on the southwest border because we thought at that time that was where the sieve was, that is where people were coming across. That was the great challenge. So it was the intent of Congress and others that in fact we wanted more border patrol agents. So we have seen the border patrol grow from 3,900 people in 1993 to close to 10,000 today, and it will continue to grow because there is a real need for them out there.

Ms. Rivers. And it is still understaffed because in Michigan we have a big problem at the Canadian border.

Mr. Becraft. Exactly. Now, the rest of the story is that we have other priorities, and the other priorities at that time were internal. How do you demagnetize the country? How do you demagnetize jobs to keep people outside of our borders and let legal immigration proceed? So we have not gotten the resources where we would have liked to have put them, and those are those special agents, those people that are going to be able, with an effective SEVIS program, which is going to simplify the way we do business - I mean it is going to take those stacks of papers off desks. It is going to put it in a computer database. It is relying upon the complementary work of a lot of different agencies in all those schools.

That is going to simplify how we do business, but to say that that is going to be the be-all and end-all to this process is incorrect. We are going to have to do it in conjunction with the SEVIS program. We are still going to need resources out there to follow up and do the work of checking the system.

Ms. Rivers. So it sounds like the improvements we want we are going to have to be willing to pay for.

Mr. Becraft. I would agree with that.

Ms. Rivers. Thank you.

Thank you, Mr. Chairman.

Chairman Hoekstra. I would like to submit for the record Congressman Graham's questions for the panel. We will submit them for the record, and we will submit them to the witnesses.

QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE LINDSEY GRAHAM, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – SEE APPENDIX H

RESPONSE SUBMITTED FOR THE RECORD BY MICHAEL BECRAFT TO QUESTIONS SUBMITTED BY THE HONORABLE LINDSEY GRAHAM, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – SEE APPENDIX I

Chairman Hoekstra. We will go to Mr. Souder.

Mr. Souder. Thank you, Mr. Chairman.

I think when we look at what we have heard today clearly we have to fix the INS problems first before we can even fix the student visa. Because reporting doesn't do a bit of good if it is just going to land in a pile of papers.

And I want to thank the INS. We just had hearings in my subcommittee Sunday on the Vermont border and then in upstate New York; the I-87 and I-89 border patrol headquarters in Burlington covers 24 states. I understand the pressures you have, and I don't want you to back off catching the other illegal activities in the United States. If we are going to add new duties, we have to figure out how to do it, because our expectations have been unreasonable.

As Mr. Ziglar testified in another hearing 2 weeks ago in my subcommittee, we are having trouble in retention. We heard that two-thirds of the INS people at the I-87 border may be taking retirement within 5 years. Furthermore, we have INS agent and border patrol agent vacancies currently. And then Congress just passed the tripling when we can't even retain and hold the people we currently have because of a number of problems we are looking at in civil service.

We have to be realistic in this Congress when we say we want them to do this and we want them to do this. We can't even hold the agents, let alone fill the vacancies. And when we talk about nationalizing the security in all the airports, what we see is whenever we hire INS agents, U.S. Marshals, Customs or whoever, two-thirds come from local law enforcement and from the military and we drain those agencies if we change the salaries of another. We have to understand that this has to be a comprehensive vision.

Moving towards the student problem, this isn't just new with the terrorism. When we were looking at the Chinese penetration in this country in technology, the head of the Chinese -

the CIA, his son was lost in the student visa system. He had gone to work part time for Johnnie Chung; and when we checked, the university didn't know where he had been. He got in on that visa. My bet is that when former President Bush was head of the CIA, we would not have lost his son, who is our current President. And I doubt the system is just a problem with the current terrorism problem. It has been a problem for some time.

Furthermore, we have heard a lot about intelligence as though intelligence is a magic term. Intelligence is also a soft term, and the reason we need reporting from the universities and others is because that is intelligence. If somebody didn't show up at school that is intelligence. If -.

And I want to make sure that I get a request in. While it may not be the jurisdiction of this subcommittee, I would appreciate it if it would come in with the information on the education, because it is a jurisdiction of my subcommittee, when you break down the student visa, to see whether it was in fact in your system and whether it had been reported.

I would also like to know whether it had been reported, not just whether it was a student and how many of them but also whether there were work visas and guest visas and whether their sponsors had reported them to the INS. In other words, in this list it isn't just a matter of the universities, that apparently is at one or at most two students' visas, but probably we had work visas and guest visas who had sponsors and do we have a system that they are held accountable?

We are looking at legislation, and I appreciate your needle in the haystack because you cannot possibly track every student within even the realm of the beginning of the budget we are going to do. But we could start that if they are students from terrorist-designated nations from the State Department or Afghanistan where we don't recognize them because of the Taliban or possibly if we have reason to be suspicious because, for example, Saudi Arabia isn't on that watch list and yet most of the terrorists came from Saudi Arabia. In other words, the INS is going to have to have some sort of a support system or you are chasing a needle in a haystack and it is a waste of money and resources. And in that tracking you need to have the intelligence and you need to check, once you are able to track it, that those - whether they be a university or a business or individual sponsor that does not report to give you that intelligence - once we have the tracking system in place get fined or somehow penalized, because you cannot work without intelligence.

Do you have any comments on any of those points, either one of you?

Mr. Becraft. First off, I really appreciate your comments about, you know, retention and recruiting, number one. And I just want to point one thing out, that as we create new opportunities in government - we train our border patrol agents and our agents very well and when you create something like sky marshals, for example, people are always looking for great opportunities. We are losing people to a critical skill that the Nation needs, and yet we are losing people in that arena right now, and I am sure there are other law enforcement agencies out there that are facing the same problem. It is a real challenge retaining the qualified law enforcement officers that we have today.

I agree with everything you said. We need to really understand that this is a sharing operation; this is one where we have all got to pitch in. The law enforcement agencies and the intelligence agencies, we have all got to come to the table and start sharing the information that we have.

Regarding the schools, I had an excellent conversation with David Ward, who is going to testify in the second panel here today, and I must say that it was quite encouraging. Because our discussion was about how we are going to work together to make this happen. So I don't want to talk in terms of penalizing people.

And I would follow with what Congresswoman Rivers said. You know, we will take the heat when we are wrong, but right now I would hope we would move forward on this program with SEVIS and that we would move forward together with it. We know there are going to be bumps in the road and rough points out there. We know there are going to be interface problems, and we know there may be some institutional concerns, but the bottom line is we don't have any choice in this matter. We can't have stacks of papers on the desk any longer. We have got to make it work.

I frankly thank the support of the two committees here today and the support of the State Department and all the other agencies that are going to be involved, the Department of Education - we can move forward on this. It isn't going to be perfect, and it is not going to happen overnight, but it will be much better than what we have had.

Mr. Souder. Thank you.

Chairman Hoekstra. Mr. Scott.

Mr. Scott. Thank you, Mr. Chairman.

We need to make sure we don't lose our focus. Our goal in the hearing is to make sure we increase national security and so what we want to do is to have some translation into better national security.

My first question, Ambassador Ryan, you had 500,000 students. How many student visas were denied?

Ms. Ryan. I will have to get that statistic for you, sir. I don't know.

Mr. Scott. Does anyone know?

Ms. Ryan. No, I don't think we have that with us, sir.

Mr. Scott. Okay. Increasing security presumably would mean that more people and the right people get denied entry. I guess either one can answer. How much would it cost to decrease the number of dangerous people to get visas, student visas?

Ms. Ryan. How much would it cost to what?

Mr. Scott. To have a system where more people are denied the student visas, the right dangerous people are denied student visas?

Ms. Ryan. I don't think it would cost very much. It would simply be a matter of getting us the information we need against terrorists, against criminals. We are now finally getting NCIC-3 access, thanks to the Congress. It is something we have been trying to get since 1993 from the FBI so that we can check more thoroughly. But I don't think it would cost a lot of money.

Mr. Scott. That is on the initial awarding of the visa.

Mr. Becraft, if we were to tighten up all of this tracking of students, how much would be actual benefit to national security and how much would be just paperwork? Because I imagine a lot of people may be apparently out of compliance with - their institution just didn't file the report and if we tightened up they would file the report so there would be no national security implication, and how many are actually out of compliance, in fact overstayed their visa but don't cause - don't present any danger to our society? If you were able to track all of the students, how much difference would that make in terms of national security?

Mr. Becraft. Well, terrorism is a little like a goalkeeper in soccer. The only one anyone remembers is the one that gets through. I can't tell you, Congressman, you know, how many terrorists this is going to keep out unfortunately. I can't do that.

Mr. Scott. Well, where you let people who you don't know whether they are in compliance or not, if you had additional resources, you have had borders to patrol, investigations that aren't getting done because of lack of resources, lack of personnel, if you had more money where would tracking down student visas be on your priority of things to spend money on? High or low?

Mr. Becraft. It certainly would not be, in my opinion, if you take the terrorist option or possibility out of it, the highest. But I would also say that I think we as a Nation have an obligation - if we have the ability to track we have an obligation to ensure that people who become out of status or go out of status don't stay in the Nation illegally, don't take jobs from people that, you know, should be -.

Mr. Scott. The purpose of this hearing today is to translate that into homeland security. Somebody staying over a visa and taking somebody's job is not a terrorist attack -.

Mr. Becraft. I understand that clearly.

Mr. Scott. - and your job of trying to protect us from how much of that would you put into tracking student visas.

I want to get in a couple of questions. I was intrigued by your closing statement that one of things that makes our Nation great is providing international education opportunities that benefit both the United States and many nations around the world that send their young people here to learn. My question would be whether or not our home security would be increased if we had more or less student visas and also whether our homeland security would be better off if we had more or less student visas from terrorist states.

Mr. Becraft. Congressman, I think that I will stand by what I said. I think we really are a Nation that needs international students coming here. I think it is important for this Nation. We gain, they gain. I am not sure I can give you an answer on the issue, is it important to keep potential terrorists from terrorism-sponsoring states out of the country. I would agree we need to look at that very closely. We need to make sure that anyone coming from any Nation like that is very, very carefully screened and scrutinized. However, I can't say that if, you know, you are thinking we should have a moratorium, if you are thinking we should put even greater restrictions on what we have right now, I don't have a good answer for you on that.

Mr. Scott. Ambassador Ryan? Because a moratorium is one of the options on the table. Ambassador Ryan.

Ms. Ryan. I have the issuance and refusal information for you, Congressman, if you would like that right now to answer your earlier question on how many student visas were issued and refused. In the F-1 category in the 2001 fiscal year, 292,000 were issued and 112,000 were refused. In the J-1 category, which are the exchange visitors, 261,000 were issued and 22,000 - 22 and a half thousand were refused. And in the M-1 category, which is vocational training, vocational schools, 5,300 were issued and 1,800 were refused. I have exact numbers, but those are the rounded-off numbers.

Mr. Scott. In terms of whether we would be better off with more or fewer students generally coming in terms of our homeland security, are we better off with more or fewer?

Ms. Ryan. I am very much a partisan of this country. I think it is very good for foreigners to be exposed to our principles, our values and our ideals. So I think a moratorium is a very bad mistake because I don't know exactly what we are trying to get at in the moratorium except that we are keeping people out of the country.

I think it is tremendously valuable. I spent most of my career overseas. I have met in countries all over the world people who have been educated in the United States and have returned to their countries with a lot of our value system.

There was a wonderful cable about 3 years ago from San'a, Yemen, about Yemenese who had studied in the United States. It is a country that has no tradition of democracy but which is starting to have a tradition of democracy because there have been so many students educated in the United States. Many women were being educated in the United States where women were never educated. One man told the officer who was conducting this interview for the purposes of the cable that he had never met a Jewish person before he came to the United States and one of his friends that he made in a university here in this country had given him a history of the Jewish people which he had very proudly in his government office in Yemen.

That is why I think it is so important that we keep ourselves open to having people come here and study here and have people go home with our values and our principles and our ideals.

Mr. Scott. Thank you, Mr. Chairman.

Chairman Hoekstra. Thank you.

Mr. Osborne.

Mr. Osborne. Thank you, Mr. Chairman.

I have a couple of very brief questions. I think this was alluded to earlier, but I would really be interested in hearing what one or two suggestions each of you would have to improve the present system and then also what can we as a Congress or we as a committee do to help you?

Ms. Ryan. I think you have already helped a lot by getting us the NCIC-3 check access that we asked for. I think the new foreign task force command center, whatever we are calling it, which is going to be started up tomorrow will go a long way towards ensuring that we get the exchange information we need. I think those two things are very valuable, and I am very grateful to the Congress for passing those bills.

Mr. Osborne. Do you have any recommendations that you would like to see implemented that you think would improve the present system?

Ms. Ryan. I have to come back to what I said at the beginning. We have to have better information sharing. We need more information on people that we should be keeping out of the country. It is much easier to keep them out than it is to try to find them once they get here, as we have seen from September 11.

The other thing that would be very useful is if we had permanent authorization for the machine readable visa fees, a permanent and uncapped authorization for the machine readable visa fees. These are nonappropriated funds. It is money that every nonimmigrant pays to us for the privilege of applying for a visa. All of the improvements that we have made in our main check system and all our systems in the State Department, in the Bureau of Consulate Affairs, come from money that is paid to us by the alien, by the applicant. No taxpayer money has been used for this. So if we can get the permanent authorization uncapped, that would be very useful.

Mr. Osborne. Explain that a little more to me, the permanent authorization.

Ms. Ryan. In 1993, in the wake of the World Trade Center bombing, the Congress did a very wise thing and that was to give us for the first time at the State Department authorization to charge a fee and keep the money. We had always been able to charge fees before, but the money went into the Treasury. The Congress recognized that one of the causes of the World Trade Center bombing was that our systems were not automated, and so you gave us the authorization to charge this nonimmigrant machine readable visa fee, or machine readable visa fee, as we call it, MRV, and to keep the money. And every year you have reauthorized our being able to charge the fee and keep the money.

We, of course, would like it to be a permanent authorization so that we wouldn't have to worry every year that you might not do it, and uncapped would mean that we could keep all the money that we take in and it could roll over from year to year and not be limited by a cap imposed by the Congress.

I can't begin to tell you the difference that this money has made for us. Every visa issuing post is on line to our consulate database, our lookout system in real time now, every visa issuing post.

Mr. Osborne. Thank you.

Mr. Becraft, do you have any response to those questions?

Mr. Becraft. Congressman, I would agree with Ambassador Ryan on the issue of the foreign terrorist tracking center or task force. I think that will help us immensely.

I think the help that you all can give us is we just need to move forward on this SEVIS program, on this specific issue and that we need to ensure that funding is there, you know, to get it moving quickly, that we can accelerate it, that Commissioner Ziglar has said he would very much like to have it up and running prior to the statutory date of January, 2003.

Along with that, I would put in the pitch that this student fee, this examine fee that we are asking for of $95 is critical for the long-term maintenance, the operational maintenance of the system. Once we use this 30 million plus dollars to get it kick-started, there is going to be a real need to continue to draw fees on this.

Thank you.

Mr. Osborne. Thank you, Mr. Chairman. I would yield back.

Chairman Hoekstra. Thank you.

Ms. Sanchez.

Ms. Sanchez. Thank you, Mr. Chairman. Sorry. I have been in and out of this room, and I don't know what has been asked and what hasn't. I am just trying to think of this process and how we can make it work better or how it really is handled right now.

First of all, I am one of those people who would hope that we can continue to have students come and have a good interchange and not really impact that quality. I did an MBA program. As you know, MBA schools have a large number of people from abroad; and at a time of global economy I think it is important for us to learn from them and for them to learn from us.

But I have a question. When student visas are denied, they are usually denied because you think the person is not going to come and study or you think that financially they are strapped and so maybe they are going to run into problems when they are here. So do we have no information - is there any way in the system to have information about, you know, these people have been outspoken against the United States or they have joined groups or they are part of a network? In any way do we - is there any system check in trying to figure out whether visas would be denied or not?

Ms. Ryan. We check every applicant in our name check system. We have 5.7 million names in that now. We get information from the Immigration Service. We get information from other agencies, Customs, DEA, FBI and CIA, through Tip-Off and through our visa Viper program. We get information on known criminals, terrorists, drug dealers, traffickers and people. So the system is checked every time.

But if the name of the person is not in the system and we deny the visa, we are denying the visa for exactly the reasons you gave, Congresswoman. Either we don't believe the person is coming here to study, he or she does not have the financial wherewithal to pursue the studies or, frankly, their English language skills are not good enough to pursue the course of study they want to pursue.

We refuse people, obviously, if their names are in the system as criminals or terrorists or drug dealers or whatever, but other people whose names are not in the system are also refused visas for reasons usually having to do with the section of the immigration law which is 214-B; when we think they are actually intending immigration and not coming here for a short period of time.

Ms. Sanchez. Okay. That database that you check with Customs, et cetera, is it your belief that FBI and Customs and INS and others put all the information there or is it still - is some held back? Is it your belief that if you had more information, if they shared more and they put it in this database, you might be able to catch more of this?

Ms. Ryan. Absolutely, Congresswoman, yes.

Ms. Sanchez. The second question I had was, when a student comes and they have come in on a visa and come to study and I, forgive me if I am wrong, but I read in the newspaper where maybe these people are supposed to go and study and yet they never even show up at the university. What is in place for that university to tell you, hey, they didn't show up or for us to begin to understand that maybe this person wasn't legitimate to begin with through the system?

Mr. Becraft. According to the 1996 Illegal Immigrant Reform and Responsibility Act, the schools are required to notify the INS that the individuals have not matriculated or are not participating in the course.

Ms. Sanchez. You get that information?

Mr. Becraft. We may or may not get that information based on, you know, the actions of the school; and we have not been able, given the volume of the schools that are participating in the program as I mentioned earlier, I think the number is just short of 74,000 schools that we have not been able to be keep up with the requirements that we would like to follow up on.

Ms. Sanchez. So if a school had somehow tried to contact you through whatever the process is and let you know that, in fact, student A did not show up and matriculate in their university, is it your contention then that if we specified funds to bring on people to do that workload that that really is one of the main reasons it has hindered you from being able to identify these individuals quicker?

Mr. Becraft. Well, I think it isn't just bringing on funds. It is, you know, moving forward with the SEVIS system and getting that into place. Because that will make it a much more efficient system for both the INS as well as the schools that are participating.

You know, I think the schools and INS would agree there is nothing very easy about the paper load that we have today, and we are all trying to move forward on technology and share that technology. This system will make it simpler and will allow us to at least know where the red flags are, and then, based on intelligence feedback that we would be getting, we could more precisely look at those areas and those people and in commonalities looking at where we might need to put our investigators, that there may be a potential problem here in this one specific case.

Ms. Sanchez. Okay. That is all I had, Mr. Chairman.

Chairman Hoekstra. Thank you.

Mr. Isakson.

Mr. Isakson. Thank you, Mr. Chairman.

Mr. Becraft, probably 75 percent of my workload in my particular congressional district is with INS; and I told somebody not too long ago that INS reminded me of an under funded candidate for Congress. Their mission is broad, but their resources are limited. I have a great deal of respect for the challenge you have, and I know fingers have been pointed given the instance of the 11th. However, I think we all share not in blame but in a real need to address the many issues as they relate to immigration and national security. To that end, I have a suspicion; and I wish you would confirm it for me. It appears to me from my work the best enforced, least violated visa into the United States of America is an H-1 B. Would you say that is correct?

Mr. Becraft. Probably.

Mr. Isakson. It is also, best I can understand, that all other visa enforcement, probably other than diplomatic, is only enforceable when an immigrant in this country violates the law and is arrested; is that correct?

Mr. Becraft. Well, they most often come to our attention that way. I would say that is probably.

Mr. Isakson. Mr. Chairman, I think this points out what we have got to address. The reason an H-1 B is the toughest, best enforced, least one violated is that it is tough to get in the scrutiny of the employee coming in and not taking a job of any other American, the responsibility of the corporation and the fact that the person employed can't leave and work somewhere else without Immigration's attention and when they are disposed of, fired, or retired or whatever, INS is further notified for the business. You have a complete loop and a complete connection. Otherwise, all other enforcement of immigration violations is done when some immigrant gets a DUI, they get arrested and their background gets checked and we deport them.

I am not saying that as a criticism. That is part of the under funding of the resources we give. But it does bring up my one point and question. And I apologize to Dr. Ward that I won't be able to listen to his speech, but I read all of it before I ask this question.

Mr. Isakson. As we make the employer of an H-1 B visa holder a partner in the enforcement of that visa, I think we need to look to other visas and the associated partners and to raise the responsibility. Not that colleges and universities and schools are being irresponsible, I am not saying that, but raise that reporting; because when that student drops out, flunks out, doesn't show up or leaves, we have a quicker, more expeditious exchange of that information and some degree of responsibility. Then what we are talking about today has less of a chance of happening.

And so that the Secretary understands completely, I have housed exchange students from Pakistan, from Sweden, and from Japan in my home for a year when they came to study. I am a big supporter of foreign students coming and studying and helping to have them experience America. But it is clear to me that on immigration, we have got to raise the accountability and responsibility of the beneficiaries of immigration that reside here to help the INS in this monitoring, so that we have a better idea of where people are going or when they are going or if they are not meeting their responsibility. And I appreciate Mr. Becraft commenting on that, and I say that understanding fully that I have a responsibility to help you on the resource side of that mission so that you can in fact do the job we have given you to do.

Mr. Becraft. Congressman, I appreciate your comments, and I would just add that the one thing that we are looking very carefully at with SEVIS is the ability to use SEVIS as a platform for monitoring and tracking other visas. So we see this as possibly expanding beyond the student visa arena.

Mr. Isakson. If I may, one other question, I think I have got a little bit of time. In the short run, though, meaning immediately, while this is - I think SEVIS is being tested, is it not; but it is not implemented yet, is that correct?

Mr. Becraft. It is being tested in the Boston area at this time.

Mr. Isakson. I understand how that is going to help and I read with great interest about that in Mr. Ward's testimony. But starting even tomorrow, to the extent that either through paper

or through e-mail or through communication between those who house these students on visas. And the
the INS will be helpful because, if the visibility of our awareness is higher to the student, then, as Mr. Miller said, the information will get back to those who think we are weak that we have gotten aware, and it won't be as big a loophole. And I thank the Chairman for the time.

Mr. Becraft. I would agree.

Chairman Hoekstra. Great. Mr. Hinojosa.

Mr. Hinojosa. Thank you, Mr. Chairman. My question is for Michael Becraft, Acting Deputy Commissioner of INS. You mentioned that schools and universities for attendance by nonimmigrant students enrolled for study at intensive language programs for vocational or trade schools also must be approved by INS. Some of the requirements for these schools to be approved include your favorable review of such factors as financial data facilities, vocational or professional qualifications of teaching staff and grading policy. If that is the case, tell me a little bit about the current accreditation process of these schools and universities. Does the INS and the FBI and the CIA and the Department of Education coordinate efforts in the accreditation of these institutions?

Mr. Becraft. My colleague has just advised me that we do consult with the Department of Education on the accreditation of the schools that have applied and petitioned on an I-17 to be accredited to accept international students. I don't know, in fact, any other?

Mr. Hinojosa. The reason that I ask you is that I was involved with accreditation of community colleges, and before that, with high schools. And I can tell you that the teams that I participated in, either for new community colleges or for renewal for another 5 years of some that already had it, I don't ever remember talking about this subject. I never heard, either because I wasn't on that team or maybe at the end when everybody gets together and pools the big report that will either recommend or not recommend continuation of their accreditation, I don't remember this ever being discussed; never brought in INS, never brought in those folks. And I know, now that I am in Congress, that there are lots of programs that bring exchange students and professors, Fulbright scholars from our countries, and I need to know if there are loopholes, and if so, how do we close them.

Mr. Becraft. Well, sir, I would say that my understanding of the way this happens, okay, is that the school applies to be certified to teach these international students. Our district offices go out and make checks of the school. I mean, some of it is very basic. It is, you know, as I think you pointed out, is there a school there? You know, do they have accreditation? Do they have facilities and a plant and are they actually conducting classes?

And I would defer, frankly, on the accreditation issue to the assistance of the Department of Education on that issue. I cannot give you an in-depth analysis of what we have done in the past on that specific issue. I can only say what Commissioner Ziglar and I discussed several days ago is that he - and as I mentioned earlier in this committee in testimony, that he is going to look very carefully at the 74,000 schools that apparently are accredited, to decide which ones are legitimate and which ones need to be removed from any accreditation.

And so I can just give you a pledge that we are going to look very hard at doing that, and doing it in coordination with the Department of Education as we will continue to coordinate with the Department of Education on this whole SEVIS program.

Mr. Hinojosa. Well, I thank you. And hope that this component, that this ingredient of the process is included in every school and every college and university, and that there is a way to check it off to see that it is being done.

Thank you. Thank you, Mr. Chairman.

Chairman Hoekstra. Thank you. Mr. Goodlatte.

Mr. Goodlatte. Thank you, Mr. Chairman. I want to agree with the remarks of the gentleman from Georgia, Mr. Isakson, regarding the responsibility that those who sponsor people coming into the country, whether they are colleges and universities or others, need to pay. And their role needs to be beefed up. And I think there is also a definite need for improvement in the record keeping system, particularly that of the INS. They have been working for many years to accomplish that. But I have to say that I think really, to be most effective, the most critical decision-making point is at the consular office in each country around the world when this very, very delicate decision, very subjective decision, is made by the consular officers.

So, Ambassador Ryan, I would like to focus on that if I may. Has the State Department gone back and looked at the applications of these 19 terrorists who came into the country and reviewed their visa applications to see what they could learn from that?

Ms. Ryan. Yes, sir, we have. And we have also shared that information with the FBI.

Mr. Goodlatte. Can you share any of that with us? Were there, for example, items of information in your database that were overlooked at the time the visas were issued?

Ms. Ryan. No, sir.

Mr. Goodlatte. Was the information that they provided to you accurate, or have you found that any of it was actually a forgery or false?

Ms. Ryan. We haven't found that anything was a forgery. I don't know whether we have any information on whether they have given us false information or not, but there were not forgeries that I am aware of in their applications.

Mr. Goodlatte. Were there pieces of information about these folks that might have been accessible to you, but simply you were not looking in that direction in the past; that your database could be enhanced to contain additional information, your visa application form could contain additional questions?

Ms. Ryan. We are in the process right now of creating a supplemental form that everyone who applies for a nonimmigrant visa will have to complete. It requires the applicant to give us additional information about their previous travels, about previous studies, that sort of thing. And so we are going to do that now. We are working with our colleagues in our agencies on developing this form, so we are doing that.

I would have to say, though, frankly, since we had no information on them that they were suspected of any wrongdoing or had actually committed any wrongdoing, that is what we depend on. I mean, we obviously, in many cases we interview people. We don't in every case, but we do in many cases interview people and try to elicit information from them. But we had, frankly, up until September 11, depended on our own information and other agencies giving us information that we had in our lookout system. That is what we depended on to screen out criminals and terrorists. Now, that is what has to be improved since, there was no information on them; and yet, right after September 11, we learned a great deal about the terrorists by reading information that was in the newspaper. It would have been nice to have that information before September 11, frankly.

Mr. Goodlatte. Now, let me get into a sensitive area. Do you do any form of profiling in terms of looking for the people whose visa application you might reject? And I don't mean based on any particular classification, whether it's ethnic background or a particular country or whatever, but do you in general have certain warning signals or guidelines that your consular officers are to look for when they make a decision about whether to issue a visa?

Ms. Ryan. Most of the time what we were looking for prior to September 11 this is all prior to September 11 what we were looking for were people who are basically economic migrants. That is what we were looking for.

Mr. Goodlatte. So if they had some wherewithal, you were less concerned about them than this.

Ms. Ryan. If they had money, if they had a reason for coming here, tourism or short business trip or study, and they were able to support themselves, then probably they were going to get the visa, because that is what we were looking for. If you remember in the nineties, when the Congress was giving and resources to INS, all of our attention was focused on the southern border, on people who were going to come across to take jobs that nobody else would take, for salaries nobody else would work for. That was the kind of person that we were trying to prevent getting a visa.

Mr. Goodlatte. But surely you were worried about terrorists getting into the country?

Ms. Ryan. We are always worried about criminals and terrorists, drug dealers, alien smugglers, all of that, certainly.

Mr. Goodlatte. Well, let me ask you this, since my time has expired. But let me ask one more question, if I may, Mr. Chairman. Have you changed your guidelines with regard to particular countries? I am speaking particularly of Saudi Arabia, from whence a great many of these hijackers came, in terms of the issue within the visas.

Ms. Ryan. No we have not changed guidelines because we think we have very good guidelines. We have good visa procedures. What we have to have is more information. We have asked all of our visa-issuing posts to take a hard look at what they are doing and how they are doing it. But we haven't changed any procedure.

Mr. Goodlatte. You haven't beefed up your-.

Chairman Hoekstra. That is two.

Mr. Goodlatte. -your examination in this country?

Chairman Hoekstra. All right, thank you. Mr. Wu.

Mr. Wu. Thank you.

Chairman Hoekstra. If you have time left, you are entitled to one question.

Mr. Wu. Thank you very much, Mr. Chairman. In my prior life before coming here, we primarily did intellectual property work, but as a sideline from intellectual property work, you wind up working with a lot of institutions, organizations and individuals, so we commonly dealt with L-visas, H-1s and F-1s and J-1s. And I just want to say as a preface that I think it is incredibly important that we institute commonsense effective steps to ensure the integrity of the visa and visa application systems, but at the same time I think it is very, very important that we continue to have a flow of the best and brightest to this country, whether they make something of themselves in this country afterwards or whether they go home and make something of themselves there.

And I think that is what the gentleman from Virginia and the gentleman from Georgia were also pointing at. But I think that in the spirit of these sort of commonsense steps, it seems rather surprising that there hasn't been a match-up of databases thus far, the criminal database or suspected terrorist database, and crossing that with applicants. My understanding from earlier discussion is that you are working on that very, very hard and that that will be taken care of in the near-term future. And unless that is wrong, I will go on to the next issue.

Ms. Ryan. That is certainly my hope with the Foreign Terrorist Command Center. And because of the fact that we are now getting NCIC-3 access, I think that we will have better information sharing.

Mr. Wu. Okay. And just as matching the databases is very important, it seems to me that one other juncture where we can take a relatively easy step in enhancing security is to ensure that we don't have multiple I-20 forms. And when someone is admitted to a university or institution, they are - frequently an institution sends an I-20 upon admission. And if you are admitted to multiple institutions you can wind up with multiple I-20s, and those can go into circulation. An alternative to that is to send the I-20s to a U.S. Consulate or somewhere elsewhere. Upon admission, someone is given their I-20 to travel with them, and the others are destroyed.

Ms. Ryan. Those are things that we are looking at, yes, sir, with the Immigration Service and with the academic community.

Mr. Wu. And if you decide to go forward on this program, how quickly can you institute something like that?

Mr. Becraft. We would hope that we would be able to institute a full up system by earlier than January 2003. So we are looking at some time, hopefully in the summer of 2002. And that would be what you are looking for - the data sharing between the State Department and the schools, and ensuring that we are all linked with the appropriate databases, and that the people coming in here are, in fact, the appropriate people.

Now, I would say all that is predicated on getting the dollars to do that. Truly.

Mr. Wu. And that is our job.

Mr. Becraft. I mean, there is no free lunch here in Washington. And on that one, that is absolutely the truth.

Mr. Wu. You are right to point that out. That is our job on this side of the table, if you will. With respect to the effectiveness of some of the enforcement mechanisms, how many schools - and if those schools try to make an effort to comply and comport - but how many schools have you actually decertified for failure to adequately report and comply?

Mr. Becraft. I don't have any statistics on that.

Mr. Wu. I know the schools always worry about this. But it is my impression, I don't know of any schools that have ever been.

Mr. Becraft. I have anecdotal information. I asked before coming up here, I sat down with two of our district directors, a former district director in Houston and in Philadelphia. And you know, I got different answers from each one. One told me that we really - I don't think we have decertified anyone. And the other one said we have approached it and we have sent them letters and, in fact, they have responded to our letters. And so there was communication there between the district officers and the schools.

Mr. Wu. Well, Mr. Becraft, because the yellow light is on, I am trying to keep my Chairman happy. Let's try to get that answer nailed down, because it is my impression that schools try to comply, but that I am not sure that there ever has been a cutoff.

And the last question is - thank you, Mr. Chairman - is, you know, a lot of these schools, we can put all the responsibility we want on the schools, but if the culture is not one of law enforcement in an academic setting, you are not going to get effective enforcement mechanism out of the schools. And the way that I remember my early childhood is that we would go to a post office, once every 6 months or once a year, I can't remember exactly, but we would go to a post office and we would certify that we were in status and, I guess, in town.

And why don't we consider some other mechanism of enforcement other than going through the colleges or universities who don't like to do this, probably will never do a very good job of it. I have some, you know, letters of protest to that effect today. And instead of using the colleges and universities, go back to what I remember the old system, of going to the post office or, as in some other countries, going to a police office. You show them the transcript from the last term that you did, last term, your registration for the next term, and then off you go until the next term. Does that seem to make sense?

Mr. Becraft. I don't want to be humorous here, to be honest with you, but I am glad you left the INS office out of the people that they are going to report to. Our lines are too long as it is.

Mr. Wu. I know that.

Mr. Becraft. Exactly. I am sure that is a possibility. I mean, that is something that could be considered. But, we think that the arrangement between the school system under SEVIS is probably an appropriate arrangement. We are not necessarily looking at it as case of enforcement, okay, but as a case of making people report. We are asking for the system, which we think the schools in conjunction with the student can give us that information in a timely fashion. I am not sure, I am on the edge on that one, to be honest with you.

Chairman Hoekstra. The good answer was yes, we will take it under advisement.

Mr. Becraft. Yeah. There you go.

Mr. Wu. All right, thank you.

Chairman Hoekstra. Thank you, Mr. Wu. Mr. Platts.

Mr. Platts. Thank you, Mr. Chairman. I appreciate both of you for your testimony here today. I have a follow-up on Mr. Wu's question about the interactions with the schools, and I would also request that that information be provided to the committee if any have ever been decertified. What is done when information is shared, and assuming it has been, with schools about somebody, a no-show, withdrawing, being expelled, whatever, what is done with that information if the INS gets it and that somebody did not show up as planned? Is it shared with the FBI or any other of the law enforcement community?

Mr. Becraft. As I just mentioned, in my discussion with the two district directors, on the one hand they said we are not sure we have had the responsibility of managing that program, was an additional duty for someone else. So this person was carrying two or three jobs, probably. And in the case of the other district director, he did follow up and he went forward. They went back to the school and they said we need this information, and they got the information. And it was on a threat of, you know, going forward with the decertification.

Those are the two anecdotal experiences that I have on this. I can't give you a better answer on that one.

Mr. Platts. I would add to the list, then, if you can provide the committee, where information has been sought or provided, as it is supposed to be in the first place, once you learn that a student has not shown up, what INS has done with that information. There is no use having the information, unless something is done in acting on that information, especially as it is checked against other lists of suspected or known terrorists.

Mr. Becraft. We totally agree.

Mr. Platts. I would appreciate your following up with the committee on that.

RESPONSE SUBMITTED FOR THE RECORD BY MICHAEL BECRAFT TO QUESTIONS SUBMITTED BY THE HONORABLE TODD PLATTS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C. – SEE APPENDIX J

Also, Dr. Becraft, has it been discussed or considered that when a student comes into a point of entry and presents their passport and visa, that the passport and visa be taken and forwarded by INS to the school? When you travel overseas, regularly you check into a hotel, your passport is given up, the hotel holds it for your week, for the time you are in the city and staying at that hotel. Has that been considered or is that under consideration? It certainly wouldn't address it if it is a suicide bomber, but if it is somebody else here trying to make plans, we have maybe taken one avenue of transit from them by having that passport held by either INS or by the school that he is supposed to be attending or she is supposed to be attending?

Mr. Becraft. I know of no discussion on anything like that. I would defer to my State Department colleagues, but that is an identification document that I think is critical to anyone traveling in the United States. And that would be something that I would imagine we would want them to keep.

Mr. Platts. Well, I agree that if we took their passport and visa and that was forwarded, say, to the institution, that they would have to be issued some other ID from us in lieu of that for travel within the United States. My point is, they don't want to give that up easily as far as their travel if they are leaving the United States.

Mr. Becraft. No, I understand.

Mr. Platts. I would appreciate that being part of the mix.

Final question, Ambassador Ryan. I understand the need for more information sharing, and that obviously has not been up to the level that it needs to be. But where it has been shared, what is the action of your officers when somebody does get tickled and shows up on a targeted list as being a suspected terrorist or associating with known terrorists? What do you do then, besides denying the visa? What is the follow-up after the denial?

Ms. Ryan. The processes are either to deny the visa or to refer the case to Washington, for the agency who gave us the information in the first place to see what that agency wants to do with the information. Knowing that the person has applied at a particular embassy or consulate, do they want us to deny the visa or, in some cases, do they want us to issue the visa, so that the person comes here, and can be followed or can perhaps be arrested in the United States and prosecuted in the United States? So that is what we do with the information.

Mr. Platts. Is a decision made in conjunction with the identifying agency?

Ms. Ryan. There are cases where the decision must be referred to Washington. The famous case was the blind sheik, if you remember back in 1993. He was what we call a double zero and Washington was not inquired about his status. No decision should have been made in the field. It should have been referred to Washington for issuance or refusal. It was not done. And that is why the Congress gave us the authorization that we needed to automate all of our systems. So that is what we would do in the case of, say, a double zero who hits, and it is the actual person because there are a lot of very similar names, of course. That case is referred to our visa office in my bureau, the Bureau of Consular Affairs, and then we go to the FBI, to the DEA, to the CIA, to Customs, to whomever gave us the information, and we ask them what they want us to do with that particular applicant.

Mr. Platts. So when the information is shared, there is a good follow-up process. The biggest obstacle is it is not shared as efficiently or as commonly as it needs to be between you and the other agencies.

Ms. Ryan. That is what I would say, sir. Yes.

Mr. Platts. Okay. Thank you, Ambassador. Thank you, Mr. Chairman.

Chairman Hoekstra. Thank you. Mr. Castle.

Mr. Castle. Thank you, Mr. Chairman. I apologize, Mr. Chairman, for being late and I am pleased to be here. I particularly did not want to be late to this, because I think it is a very important subject. I was at the Banking Committee where we are having a markup and vote and, in fact, still are.

I would just like to say a few things about the subject, which may or may not lead to questions. I actually have introduced legislation dealing with the whole subject of immigration and visas, a lot of which was in our subjects as well, I might add, and a lot of it was in the Patriot Act. One portion that didn't make it was having colleges report when people did not show under a student visa to the particular college. I have only had a chance to scan your testimony. And I apologize for not hearing it.

I didn't hear a lot of the questions, but I think the hearing today is extremely important and I think this whole subject of dealing with immigration is of tremendous importance to this country. And obviously it has changed by the facts of what happened on September 11. But the reality is that I think a lot of changes needed to be looked at even before then. I believe that America before September 11 and after September 11 is the most desirable country in the world in which to live. I believe there are a whole group of people out there, numbering in the millions I might add, who would very much like to be able to come to America to live, to live the American dream, even from some of those countries who seem not to be our friends. I think there is a tremendous effort to do that, be it legal or not legal.

We only have to look to Mexico, for example, to see the incredible illegal visa and other card activity that goes on there to aid people coming into this country. And I for one believe that we have to address this in a very broad and holistic way. I do not believe that any simple little changes are going to do it. And frankly, that, first and foremost, is going to mean money, it is going to mean individuals, it is going to mean dollars to do some of the things we have to do.

I see no reason, and maybe you can correct me on this, but I see no reason why we cannot have secure visa cards with biometric information on them. Maybe information beyond that. Sure, it is going to cost money. Making something truly secure is very difficult. But in light of everything that has happened, it seems to me that we have to do that. I think we have to be in a position in this country to be able to check on people who have visas to make sure that they are doing what they were here to do to begin with; that is, go to school, go to work, be a tourist or whatever, and that they are no longer in this country when the time expires unless they have legal remedies to go forward. I think that is significantly important.

I believe that the embassies, INS and others, are hugely handicapped by the lack of information about the individuals who are coming before them. And the whole inability or unwillingness or whatever it may be of various agencies in our government and I am not faulting anybody when I say this but I believe there needs to be a communications system within our government that involves all the agencies, including the FBI, CIA, the INS and whatever others there may be, and it has to be real time. It is not going to do much good if you are at an embassy trying to figure out if somebody should be able to get a visa or not, or if you are at station in Canada or someplace trying to figure out if somebody should come in or not, if you can't get real-time information about who that person is and what the problems may or may not be, and whatever circumstances there are. We simply have to do it. And it is going take money, obviously, to do that and the ability to be able to deliver with respect to that.

I thought your answer with respect to uncertainty about whether any schools, I guess colleges or other type educational programs, have been decertified is interesting because chances are there haven't been a lot that would fall into that category, and perhaps there should. I think there should be a responsibility, if you are going to receive income from an individual who comes from a far to come to your school. You have the responsibility to help with the recordkeeping, which is necessary as far as that is concerned.

I have constituents who I hear from when they have raids on their plants or whatever it may be. It is almost an automatic thing, and that needs to change as well. We need to be absolutely sure when we look at a card, that the person should be in this country and is legally in this country.

And let me just say, finally, we are all immigrants. I understand that well. I mean, it may be 10 generations ago. It maybe 1 generation ago. We need to be an open country, and I don't want to give up any of our freedoms, but I don't think that in order to determine if a person is legally in this country - and obviously it is going to be different when we are dealing with Canada and when we are when dealing with Mexico, and I understand those differences as well - but I think we need to start putting these in place.

So I don't fault anyone when I say any of this. I am not picking on anyone at the State Department or INS or any other service we have now. But I think as a Congress, as an administration, we have to give a lot more thought to what we have done with respect to immigration policy and visas in general, and I probably touched on 2 percent of the subjects that have to be touched on in order to resolve the problems.

And I didn't have a formal question, but if you want to say anything, you are welcome.

Ms. Ryan. Yes. Thank you. I have one comment on one of the issues that you raised which is biometrics. It is something that we are very proud of. We and INS are going to plug a hole that we had before. We are able in the Consular Bureau to represent migrated data to immigrant visas from all over the world from every post that we have. And we are able to give that information now to INS and INS will by January, by the middle of January, be able to accept that information.

This is a tremendous advancement, a really great biometric. We have the picture, a very good digitized picture that we can give to the INS along with the information that the applicant has given on the nonimmigrant visa application form, we will be able to tie the applicant with the document that they are presenting to INS. This will eliminate people who steal passports and try to enter as, you know, false identities. This is really a tremendous advancement. There has been a lot of talk about fingerprinting and all of that. We have the biometric now in the photograph, so it is real time, cheaper, and immediately available. So, I mean, I think this is great advance for our Nation.

Mr. Castle. I know my time is up, but, Madam Ambassador, and you have probably done this, but I think an interesting source I found is the Bureau of Engraving and Printing who does our money. There are incredible marks in our money, particularly the $100 bills that I didn't even know about. And they wouldn't even tell me everything that is there. So they had all kinds of identification methodology, so they were a good source of changes, talking to each other anyhow. But if they are not, that is just something I might mention.

But thank you for your thoughts on that, and I yield back, Mr. Chairman.

Chairman Hoekstra. I thank the gentleman and I thank the panel. The full hearing was scheduled to go for 2 hours. You have been with us now for almost 2 hours and 45 minutes. I think you can tell by the tremendous number of members that showed up for the hearing today that there is a significant amount of interest in this issue. I think there is also a bipartisan interest to work with your agencies to address this issue in a constructive and a positive way.

With that, we will dismiss the first panel. We will invite the second panel to come to the table, and we will yield the gavel to my colleague from California who will chair this part of the hearing, Mr. McKeon. Thank you.

Chairman McKeon. [Presiding.] I want to thank the gentleman from Michigan, and I welcome our second panel of witnesses here today. One thing has been good; they postponed votes until 3:30 today, so we can work through breakfast, lunch, and dinner. It looks like we have members leaving, so probably the second panel won't go quite so long.

I am happy to have with us today Dr. David Ward, President of the American Council on Education. Doctor Ward assumed his position as President of the American Council on Education on September 1, 2001, great timing. Prior to taking on the presidency of ACE, Dr. Ward served as Chancellor of the University of Wisconsin, Madison for 8 years. He served as a faculty member for 25 years before that. Dr. Ward is Chancellor Emeritus of the University of Wisconsin, Madison, and a former Charles Kendall University Professor at UW Madison. He also holds the Andrew Hill Clark Professorship of Geography. At the university, he served as Chair of the Geography Department from 1974 to 1977, and as Associate Dean of the Graduate School from 1980 to 1987. Coincidentally, Dr. Ward came to the United States on a student visa in 1960 and returned 3 years later and became a citizen in 1976. The program can work very well, it looks like.

Secondly we have Dr. Gail Short Hanson, Vice President of Student Services for American University. Dr. Hanson has been Vice President of Student Services at American University since July of 1997. She has provided senior executive leadership for 14 years. Among them, international student services, Dean of students' office, academic support services, and new student programs. Dr. Hanson has spent more than 30 years in higher education administration, including service as Assistant Vice President and Dean of Students at the George Washington University. There, her portfolio of responsibilities also included oversight of international student services. Prior to coming to American University, Dr. Hanson was an organizational consultant in the Office of Postsecondary Education at the U.S. Department of Education. Dr. Hanson earned her B.A. from the University of Wisconsin and holds an MDD and M.Phil and PhD in sociology from the George Washington University.

And our third panelist will be Julia Beatty, President of the United States Student Association. Ms. Beatty was elected President of the USSA in July 2001, after serving a 1-year term as Vice President. As a USAA officer, Ms. Beatty has worked to make access to higher education a right, not a privilege, through increased financial aid funding, improved recruitment and retention programs for underrepresented students, expanded educational opportunities for Temporary Assistance for Needy Families recipients, and a greater voice in the political process for students and young people. Ms. Beatty is a graduate of the University of Wisconsin, Madison.

In addition to the testimony of our panelists, we received a statement by Dr. Michael Van de Burg. We would like to include that in the record if there is no objection. Oh. He also represents the Association. In addition, we have testimony also from the Association of International Educators, which we will also include in the record.

STATEMENT SUBMITTED FOR THE RECORD BY CHAIRMAN HOWARD P. "BUCK" McKEON, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, FROM DR. MICHAEL VANDE BERG, DIRECTOR OF INTERNATIONAL PROGRAMS, GEORGETOWN UNIVERSITY, WASHINGTON, D.C. - APPENDIX K

STATEMENT AND SUPPORTING DOCUMENTS SUBMITTED FOR THE RECORD BY CHAIRMAN HOWARD P. "BUCK" McKEON, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, FROM MARLENE JOHNSON, EXECUTIVE DIRECTOR AND CEO, NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS, WASHINGTON, D.C. - APPENDIX L

Well, you have been here for almost 3 hours and you know how this works. We would ask you to give us your statement. We have your full statement for the record. If you want to give partially or read the full statement, you have the 5 minutes, and then we will have questions for the panel from the members. First, Dr. Ward.

STATEMENT OF DAVID WARD, PRESIDENT, AMERICAN COUNCIL ON EDUCATION, WASHINGTON, D.C.

Mr. Ward. Thank you very much, Mr. Chairman. I am very pleased that the committee is conducting these hearings because this is the committee that has general oversight responsibility for higher education. It is a role that you have played in Title 6 of the Higher Education Act, which authorized 10 international education programs. These programs have, for years, supplied the Nation with experts and expertise about other nations, their cultures and their languages, upon whom we actually called very frequently in the last month.

But more important today is the issue of visas and particularly student visas. As you know, I came here with a student visa in 1960. I was interviewed by the consulate. I did have to provide an x-ray to prove I did not have tuberculosis. I declared that I was not a communist. I did many things. It was a very detailed and serious interview. When I arrived in the United States I reported my program, my address, and my presence in Madison, Wisconsin every January the 1st. When I completed my degree I was given 1 month to leave the country, which I did. I later returned as an immigrant, and I was, of course, a 35-year resident of Madison, Wisconsin before coming to Washington.

I want to make it clear that as far as higher education goes, there can be no doubt about our position with respect to the Federal Government's right and responsibility to protect America's safety and security by deciding who should receive a visa, any type of visa, to visit or to study in the United States.

And while we in higher education want to enroll as many international students as possible, we do not want any students who pose a security risk. Colleges have an obligation and a responsibility to work cooperatively with the Federal Government to keep track of international students. We have done this for decades and we want to continue to extend that obligation as we deal with the outcome of September the 11th.

An international student that has been admitted to an American college receives an I-20 form from the admitting institution. And, of course, that means that they are eligible to enter that university academically. Not all students who apply are admitted, so even before the visa process there is a selection by the university. Without that I-20 form, no visa can be granted. That I-20 form does not guarantee that the visa will be granted, and we believe it appropriate that the State Department and U.S. embassies make that decision. They can award or deny a student visa.

While we can from time to time be disappointed that a visa is not issued for a promising student, that decision we believe should be in the hands of the embassy, and we do not necessarily suggest that anybody else should do that. If a student receives a visa and enrolls, colleges collect and keep a lot of information, 14 different data elements about that student. Upon request, we provide it to the INS because we collect and keep this data. The Federal Government has more extensive information about an international student than any other kind of visa recipient. Colleges used to routinely provide this information to the INS. However, the Agency had no way to compile or store it and found itself drowning in unused and unusable data. As a result, in 1988 INS told colleges to keep collecting the data, but to provide it only upon request, and therefore dropped the idea that we share that data with them unless they request it. And that informal arrangement has continued to the present time. So we have the data, but we provide it only upon request.

After the 1993 attack on the World Trade Center, Congress instructed the INS to develop an electronic database to facilitate the articulation of this data more efficiently in the Digital Age and therefore develop the program known as CIPRIS. ACE and most other education associations have always been comfortable with the idea that this system, now known as SEVIS, should be a very effective way of handling data tracking. And where our differences occurred was, of course, how to pay for it and, in fact, how to articulate the data we have with the system that INS was developing, and that there would be consultation to make sure the articulation occurred. Prompt informational service is the most important step the Federal Government, in my opinion, can take to improve the timeliness of the information that this has about international students. Several Senators have recommended that the Federal Government provide the funds needed to finish the development and implementation of SEVIS, and we strongly and enthusiastically support their recommendation.

The long-term funding of SEVIS that is, the annual operating cost also needs to be addressed. Because the reduction of the risk of terrorism is a national priority, higher education would prefer that the annual appropriated funds be provided through an annual appropriation. We also understand that this can be done through a student fee, but that student fee needs to be obviously handled in a way that is convenient, and either INS or the State Department might find an appropriate way to collect that fee.

In addition to providing the funds necessary to complete the development and implementation of this database, we recommend that several additional steps be taken, and I would be happy to discuss these at greater length. I think INS should develop a timeline, and we have talked about that in earlier testimony, with interim deadlines for the implementation of service. This will allow colleges and higher education to monitor the progress of this important data system. If delays occur, we need to be aware of it. It is also important that that timeline, with these interim deadlines, will enable all parties to determine if the assumptions being made by INS about implementation outside their control, such as the amount of time allowed to modify a campus information system, is adequate. So this does mean that we are going to work together to articulate the fact that the data arrangements are going to be easily articulated with two different computer systems.

We also suggest that INS provide each college with a list of student visa holders who entered the country on that institution's I-20 form, and require that each college promptly confirm that the students have enrolled. Again, it takes both of us. They need to tell us, we need to tell them. We sometimes don't know that the student is not coming. We sometimes are negligent in not telling the INS that a student has not arrived. However, institutions that are dealing with graduate students, that is quite rare. Most students do arrive. They want to be there. They are being funded. It is very rare that they don't arrive. But this is a very important two-way thing.

And a third issue would be to take special precautions, including more extensive background checks and delays in the issuance of visas with respect to students and other visa applicants for countries on the State Department's watch list of states supporting terrorism.

In many ways, however, the most important step toward improving the issuance of visas is to increase the funding for consular affairs activities at U.S. embassies, in order to investigate, to keep people out who we do not want in. Like many American students, international students often apply to multiple colleges. Since many colleges issue an I-20 when they send the letter of admittance to the students, it is possible for some international students to receive multiple I-20s. Members of Congress have expressed some anxiety about there being more than one I-20 out there. We believe that there is a way around that, should the State Department want to discuss this and Congress elaborate on this. That would be to stop giving the I-20s directly to students and to send them directly to the consulate so that only one of those I-20s would then be matched by the consular official with the visa that is going to be issued, and the other I-20s would then be discarded at that point. If the visa was then issued to only one college, the embassy would return a copy of the I-20 to the sending institution to alert that institution to expect that student. This would provide an excellent way to identify the small number of students who receive a visa but then do not enroll.

This would, however, require that each American embassy identify a student exchange visitor coordinator. The name, address, and information about this individual would need to be posted on the State Department Web page to permit schools with questions about specific visas to contact the appropriate person directly.

In addition to tightening the system by which visas are issued, we are continuing to train international experts that have the knowledge base to meet national needs related to national security and foreign policy and economic competition. That has always been important.

And rather than going on and discussing that issue, I will stop my testimony there. The full testimony is available, and what I will try to do is indicate some practical procedures in which higher education can collaborate with INS and the State Department to try to eliminate the very, very small number of students who might indeed be a threat to our security. Thank you.

WRITTEN STATEMENT OF DAVID WARD, PRESIDENT, AMERICAN COUNCIL ON EDUCATION, WASHINGTON, D.C. – SEE APPENDIX M

Chairman McKeon. Thank you very much.

Chairman McKeon. Dr. Hanson.

STATEMENT OF GAIL SHORT HANSON, VICE PRESIDENT OF STUDENT SERVICES, AMERICAN UNIVERSITY, WASHINGTON, D.C.

Ms. Hanson. Thank you. Thank you for the opportunity to speak today on tracking international students at American colleges and universities.

American University is a private coeducational institution with 2,500 students. It is one of the most diverse universities in the world, with students from every state and roughly 150 foreign countries. We have 2,118 international students, speaking 41 languages. American University has been admitting international students since 1954. Our graduates return to their countries to provide leadership in government, business, law, science and technology, communication and the arts, and education.

As Vice President of Student Services, I am in regular contact with our undergraduate and graduate international students. They are well qualified for their studies and highly motivated. They take seriously the obligations associated with their immigrant status. The overwhelming majority takes personal responsibility for maintaining their compliance with INS regulations and reporting requirements. Most return to their countries with a high-level education and positive memories of their American experience. Equally important, they return with increased understanding of American culture and appreciation of our democratic values. They become our unofficial ambassadors.

Some Members of Congress have claimed that the foreign student visa system is one of the most under regulated systems we have today. I would like to describe the process for enrolling international students at American University. Although the system can be improved, it is rigorous, and we are diligent in implementing its requirements.

First, a student is required to submit a written application for admission and all required supporting documents, which includes proof of language proficiency and proof of ability to meet all expenses associated with living and studying in the United States.

An admissions officer, qualified to assess legitimate foreign credentials, evaluates the completed application.

If the student is admitted, the designated school official must determine that the student has met all of the university and the INS requirements before mailing to the student the form I-20.

On receipt of the form I-20, the student must report to the nearest U.S. Consulate to apply for an F-1 student visa. The consular officer is responsible for ensuring that the student has met all the requirements for nonimmigrant student status before issuing the student visa.

When the student enters the U.S. through a port of entry, an immigration officer determines whether the student has met all the requirements for F-1 status. Status information is documented on the form I-20 and the I-94 Arrival Departure record.

When the student reports to the university, the designated school official is required to duplicate immigration documents and create a student record. Within the first 3 weeks of each semester, American University knows which of its student with I-20s have reported and what their status is at the institution.

From the time of enrollment, we monitor the student's academic progress and endorse the form I-20 when the student makes requests for travel and employment.

Five individuals at American University have signatory authority to issue Form I-20. They are registered with the INS through the formal registration process and receive professional training through NAFSA: Association of International Educators.

Based on many years of implementing this process with thousands of students from all over the world, we would like to suggest several steps that would facilitate government tracking of international students.

American University endorses SEVIS, the Student and Exchange Visitor Information System, and urges Congress to grant permanent authorization and necessary appropriations to guarantee the immediate and effective implementation of this system. We are prepared to meet the reporting requirements of the system, which include documenting student enrollment information, students' failure to matriculate, termination, et cetera. We already collect and store this information in our institutional databases.

To address concerns about students' obtaining Forms I-20s from multiple institutions, we endorse ACE's recommendation that institutions forward the form I-20 directly to the consulate designated by the student as a intermediary. Until SEVIS is implemented, this would mitigate fraudulent use or duplication of paper documents.

We suggest that INS explore identification cards to replace the Form 20 ID and the I-94 Arrival/Departure card. The card will be issued to the student at the port of entry or before, and be coded with the student's information contained in SEVIS, including identification information such as date of birth and citizenship entry and active status. The student will carry the card for the duration of status. When the student travels, the card could be swiped at the airline ticket counter and be updated from the SEVIS system. The card would be voided through the system if the student falls out of status. The card would also permit the accumulation of information throughout the individual's status as a student.

American University has worked effectively with the INS and State Department in the past and pledges continued consultation and support in their efforts to build a more effective international student tracking system. We are confident that together we can create a system that preserves the vitality of international educational exchange. Now more than ever, global understanding must be a national educational priority. American students and students from around the world must exchange ideas face to face, cultivate understanding and respect for differences, and equip themselves to overcome the conflicts that divide us today.

Thank you very much. I would be glad to respond to questions.

WRITTEN STATEMENT OF GAIL SHORT HANSON, VICE PRESIDENT OF STUDENT SERVICES, AMERICAN UNIVERSITY, WASHINGTON, D.C. – SEE APPENDIX N

Chairman McKeon. Thank you.

Chairman McKeon. Ms. Beatty.

STATEMENT OF JULIA BEATTY, PRESIDENT, UNITED STATES STUDENT ASSOCIATION (USSA), WASHINGTON, D.C.

Ms. Beatty. Thank you and good afternoon. My name is Julie Beatty, and I am President of the United States Student Association. USAA is the Nation's oldest and largest international student organization. Since 1947, we have worked hard to expand access to higher education for all students, because we believe that education is a right. Students all over the country are talking about issues of education, security, and immigration in classrooms and in dorm rooms. So on behalf of all the students concerned about international education, I thank you for the opportunity to speak to you all today.

In recent weeks, our Nation's efforts to promote safety and security have led to an interest among many lawmakers in revising the regulations surrounding visas. Student visas have been a particular focus, since it seems that two of the nine people responsible for the tragedy on September 11 may have been student visa-holders.

It saddens me that international students have been identified in such a negative way as a result of the events of September 11, because as students facing a rapidly changing economy and an uncertain job market, we understand the importance of experience with other cultures in our careers. Not only do we value the presence of international students on our campuses, but we also seek opportunities ourselves to learn in other countries and other cultures. We fear that any limits placed on international students seeking to enter this country on the basis of their country of origin will result in similar policies being adopted by other nations, preventing many American students from being able to study abroad in the country of their choice.

The impact of such limitations would be felt for years to come.

International study is the means by which we develop international leaders. At this critical juncture in U.S. and world history, it is the countries whose students some have proposed that we ban from studying in the U.S. That we most need to reach out to and most need to understand. Congress should encourage rather than inhibit scholarly exchange with those countries. Any less, we believe, would be a blow to our long-term security as a Nation.

The process for gaining admissions to U.S. Colleges, obtaining a visa and actually entering the U.S. for study is complicated and burdensome already. Since visa regulations do not allow dependents of students to accompany them to seek a better education in the U.S., international students leave their homes and families, including spouses and children. The visa screening requirements disadvantage those from nations in turmoil, often the students most in need of access to educational resources outside their home countries. For students of limited English proficiency, there are additional barriers to understanding the process and requirements of obtaining a visa. Further, the cost of education in the U.S., burdensome for even most families here, is extremely high when compared to the cost of living and average earnings in many other countries.

International students and many domestic students have already suffered as a result of the events of September 11 and their aftermath. The loss of human life alone has been devastating, but there have been less obvious and less publicized injuries as well. On college campuses all over the country there have been increased reports of violence and harassment towards students who are or perceived to be of Middle Eastern or of South Asian decent, including Muslim students.

As early as September 20, the Chronicle of Higher Education reported at least four assaults, whose victims included students in California, Arizona, North Carolina, and New Mexico; and we have had unconfirmed reports of similar incidents in Oregon, Wisconsin, and Florida. In all these cases, students were physically assaulted, some quite brutally, and were targeted because of their dress, appearance, or last name. One student, a citizen of Lebanon, was called a terrorist and told to "go home" while he was being beaten.

Students are unable to focus on their studies in these conditions and some, both domestic and international students, have returned home. While the American students who went home faced certain obstacles in returning to school, as does any returning student, the barriers are far greater for international students, some of whom will have to start from scratch in seeking admission to the U.S. and U.S. universities.

Students and administrators make our campuses safe and work hard to do so, but in the wake of September 11 we need your help. We need our government not to cast an unmerited web of suspicion over international students but to find ways to promote safety without crippling the things we hold dear, our privacy and our freedom.

We also hope that you and your colleagues will not pursue policies that would make some on our campuses safer at the expense of others' safety.

On September 19, Secretary of Education Rod Paige called on university administrators to protect students who were likely targets of such a backlash. He asked that they not inadvertently foster the targeting of Arab-American students for harassment or blame. Since September 11, students have been asking Congress and the administration to do the same. Maintaining higher standards for students from nations on watch lists to obtain visas and employing racial profiling by culling students' records that appear to indicate Arab descent imply that a person's name, country of origin or appearance is enough to warrant questioning or detention. This gives a green light to all those who would harass or assault classmates and neighbors on the same basis.

Patterns of racial profiling, particularly in immigration law enforcement, give us pause to contemplate a system that would centralize information on international students. According to the Leadership Conference on Civil Rights Report, "Justice on Trial: Racial Disparities in the Criminal Justice System," 73.5 percent of INS deportees are of Mexican origin, though they make up less than half of all undocumented persons in the U.S. Assigning more responsibility to an already overburdened and under funded agency that routinely relies on racial profiling to do their jobs is risky at best. We, too, want our campuses and homes to be safe but for whom and at what cost?

USSA's mission is to increase access to higher education, and we believe that many of the proposals made in recent weeks regarding international students would do just the opposite. In years past, we, along with several other members of the higher education community, opposed the implementation of CIPRIS, now SEVIS. While we recognize the growing consensus, post September 11, among many educators and lawmakers to move forward with the policy, we hope that they will undertake those efforts with caution and respect for students' privacy and for human and civil rights as embodied in the Constitution.

We also hope that any implementation of SEVIS can go forward without any additional financial burden on international students. Again, the cost of education in the U.S. is high. This fee only adds to the burden and represents a sizable sum of money for residents of many countries. In recent years, the administrative questions surrounding a potential student fee have proven difficult to resolve. Besides the administrative obstacles the fee has posed, it is a heavy-handed approach to funding the program, with no accounting for the length of individual educational programs or access to the technology that compliance might require. Some students enter the U.S. for lengthy periods of doctoral study, while others are here for much briefer intensive English programs or undergraduate exchange, but under this system all students would pay the same fee.

Many have debated the merits of changing the process by which we award visas. Notable among recent suggestions is that we employ a heightened scrutiny on visa applicants from certain countries on watch lists. Others have gone as far as to suggest eliminating student visas altogether for students from certain countries. While this may be intuitively comforting, allowing us to place all the proverbial bad guys "over there" creates a false sense of comfort. Threats to national security come from many places, including our own home; and let us not forget that before September 11 the most notorious terrorist in U.S. history was a white American citizen. Furthermore, we are afraid that in this time of tense and difficult international relations students or their education could become pawns in foreign policy by punishing students for their governments' behavior.

Many who seek entrance into the U.S. do so to flee their own governments. To assume those entering on visas or as immigrants are linked to their home governments would be an error. We believe this should be avoided whenever possible.

So while international students do not have a voice in these processes that will deeply affect their lives, their fellow students do, and we are concerned. We are concerned about restrictions on visas for students seeking education at American colleges and universities. We are concerned about efforts to track international students as they try to improve their lives through education. And we are concerned about additional barriers to education for international students that may be imposed in the name of safety. We appreciate your attention to these issues and look forward to continuing to work with you as you shape Federal policy as it relates to international education.

Thanks.

WRITTEN STATEMENT OF JULIA BEATTY, PRESIDENT, UNITED STATES STUDENT ASSOCIATION (USSA), WASHINGTON, D.C. – SEE APPENDIX O

Chairman McKeon. Thank you very much.

Chairman McKeon. I understand, Dr. Ward, that you need to leave. We do have just three of us here to 5 minutes.

I think we have been here a long time, and we have heard a lot from the State Department, from the INS, and now from people from the education field, and I think it is certainly not our intention or our desire to indict education. That is not any where near what we are trying to do. This, as I mentioned earlier, is a hearing designed to gather information. If we had one student, one terrorist, that entered the country on a student visa and then used it to attack us on September 11, we don't want to prevent 500,000 or 600,000 people from coming into our country to get an education because of one incident. There is great benefit to both those students and our students that have a chance to interrelate with them during the education process.

Also, it is very important economically for our schools and for our country to have these students come into our country. The figures that I have been given are that these students and those that come in to participate on our campus as educators also on exchange programs put about $250 billion a year into our economy, so that is very important.

I think there was some misunderstanding earlier that I would really like to see us clear up and that is the whole process and maybe if we could go through that.

A student applies to the school. The school then sends the student an I-20. Let us just pick a country - England. Let us say the student receives that I-20 in England, and I have one of those right here. They fill that out. They have to sign it. Someone from the school here in America has to sign it.

Then they take that I-20 to the consulate to receive a visa. The consulate then reviews it, decides yea or nay. Let us assume they then give the visa and the student then comes to America, enters the school, hopefully, and completes their education or then returns to their country or maybe applies for permanent visa or permanent status here.

But there are some gaps, I think, in that process. One is, once the visa is issued in England or the country, there is not a contact made between the State Department and the school. We want to make sure that everybody understands that the school has no responsibility if that person never - say they do come to America and go to Arizona instead of New York and do whatever they decide to do but never go to the school that they have been given the visa to attend. The school would not have any knowledge of that.

Now, Dr. Hanson, you have made, I think, some very good points that would take care of that particular problem. However, I think we need to understand that the loop has to be closed before any responsibility can be placed on schools for keeping track of where those students are.

There are a couple of other things. I think Mr. Becraft mentioned 74,000 schools. I think we have about 7,000 postsecondary schools. So I think that probably included K-12 schools and other kinds of schools. We can check back with him and see that that is taken care of. It seems to me that if we follow some of the recommendations you are giving here, we can tighten this program up a little bit.

Another concern I have is, and I mentioned this earlier, even if we eliminated all foreign students, we decide that because the one terrorist entered on a student visa that we can't take the risk and we eliminate those 850,000 student visas, that still leaves us with 30 million people that come into this country on visas each year. So I think we really have to be careful where we move here. I think, as Mr. Miller mentioned earlier, we have the responsibility over education and we can do some things in that area, but we cannot through this committee be totally responsible for all visas issued.

I have used my time speaking instead of asking questions, but in your comments I think you offered some very good things we can look at. I want to work with you further as we go through this process because I think we will be entering some legislation based on some of your recommendations and comments.

My time is used up. Ms. Mink.

Mrs. Mink. Thank you very much, Mr. Chairman.

I want to compliment you, Ms. Beatty, for your testimony and for sounding the alert that we do not overextend ourselves in regulation and scrutiny and surveillance of foreign students because of our anxieties with respect to terrorist activities. Certainly I appreciate all the caution that you have expressed in your testimony, and I hope that Congress will pay heed to the words that you have expressed on behalf of students throughout the country.

We do have some very legitimate concerns about the issuance of student visas, and I think that a lot of it has been alluded to by the consular officer and the INS today in addition to both you, Dr. Ward, and Dr. Hanson. My concern is that under existing regulations, existing procedures, current law, why is it not possible for the institution to be advised that a student has been issued a visa which is directed to a specific institution? What is to prevent the current system from notifying the institution this visa has been issued?

Mr. Ward. It is not current practice.

Mrs. Mink. Is it because of current law that it is not current practice? Is it reluctance on the higher education institutional community that you don't want this to take place or is it just reluctance on the part of the State Department?

Mr. Ward. I don't think it is to blame. It is a system that just wasn't properly connected. I think we would like that information.

Mrs. Mink. Can you correct that now without waiting for the Congress to act or for the State Department to have a huge task force inquiry? Isn't this something that can be done very quickly?

Mr. Ward. There are two steps here. One is to get the consular office, which officially issues the visa, to tell the institution. I think that is fairly simple. Why that is not done I just wouldn't know.

The other problem is.

Mrs. Mink. So if the Congress requested the State Department to notify the institutions, that could be very easily done and there would not be a reluctance on your part to receive that information, would there?

Mr. Ward. No. We would be very happy to get that.

That is number one. We then need to report to the INS that.

Mrs. Mink. That is my second question. Is there a reluctance on the part of the higher education community, once getting that information, to then say to the State Department or INS, hey, this student hasn't arrived?

Mr. Ward. Right. We did that until 1988 and then because the INS was getting swamped, they told us to keep all the information. We disconnected the system as a response to paperwork and the sheer volume of that.

Mrs. Mink. The swamping was because you sent all the information, not the information that the student did not arrive. I mean, that would not amount to piles and piles of paperwork, I would imagine.

Mr. Ward. I agree.

Mrs. Mink. So this could be done immediately without the Congress passing a law or changing the law in any regard. This is an internal cooperative thing that you could do.

Mr. Ward. I think the first of these would be very easy. I think the second, until service is up and going, we could still do it, but there is still a challenge for INS to receive this information.

Mrs. Mink. Just on the information that a student didn't arrive, that would constitute a burden that they couldn't deal with?

Mr. Ward. I think so. I think you would find that they would have a real organizational challenge in how to process that and make good use of it. If they have an allegation that a student is involved in a criminal activity, they would then, I think, extract information from us. They would rather be proactive, I think, rather than receive information from us. But when SEVIS is up that will happen automatically.

Mrs. Mink. Now, if that information went to the consul that the student never arrived, how would that be dealt with? Could it be dealt with more expeditiously? Could the visa be withdrawn, or is there a procedure there which would make the State Department then more responsible and more proactive?

Mr. Ward. It might if the student never left the country and.

Mrs. Mink. But the student is here.

Mr. Ward. If the student has already gone through immigration, then INS would have to be involved.

Mrs. Mink. Then the consular office couldn't do that on their own?

Mr. Ward. No. But those are very good suggestions. And at the meeting that is taking place tomorrow, the group that Governor Ridge will be involved in, I think there will be some interim measures that will come out of those deliberations, perhaps the very ones you are suggesting.

Mrs. Mink. I have an important follow-up question even though my red light is on, and that has to do with the multiple student I-20s that are issued. Your suggestion is, have it go to the consular's office. Can't you do that now by yourselves without a law being passed to change the system?

Mr. Ward. Again, I think we would need an interagency agreement to do it. I don't think it would need a law.

Mrs. Mink. This is an agreement that you would need to do it? This procedure would be changed and you would send the papers to the consul rather than to the students?

Mr. Ward. One of the things we need is for all the parties involved to sit down and sketch this as a process.

Mrs. Mink. Everybody says they are willing and they want to do this.

Mr. Ward. It is going to happen and I think.

Mrs. Mink. I hope so. I hope this consensus, individual consensus that seems to have arrived in this room today, can be achieved by a collaborative cooperation among all the agencies.

Thank you very much.

Chairman McKeon. Thank you.

Can we impose on you just a couple more minutes for Representative Goodlatte to ask you his questions? Thank you.

Mr. Goodlatte. Thank you, Mr. Chairman.

I will direct my first questions to you, Dr. Ward. If you need to slip out, we certainly understand.

I want to follow up on Ms. Mink's question with regard to the I-20s. Your suggestion was that, to avoid a proliferation of these I-20s in circulation, they shall be sent to the consular offices rather than to the students. I think that is a good suggestion, but why couldn't it be refined further to have some requirement that the students make a decision about what school they desire to go to before they are approved for the visa? That way, there is only one I-20 in existence to begin with.

The school that the student has indicated they intend to matriculate at would then send the I-20 to the consular office. You wouldn't have as many I-20s circulating around that would flood the consular offices with additional paperwork.

Mr. Ward. But, unfortunately, each institution doesn't know the other institutions that the student has applied to. So the very best students are applying to five institutions.

Mr. Goodlatte. Sure. But when my daughter got accepted at several institutions, she picked one that she was going to go to, and then the I-20 could be.

Mr. Ward. But the I-20 is an authorization for that student. We don't know if each institution is authorizing the student to get a visa to attend the institution until the student goes to the consulate.

Mr. Goodlatte. They ought to narrow it to one, though. The student would make the decision and then apply for the visa.

Mr. Ward. Before they receive the I-20, it is possible. I suppose that is possible. I think the competitive desire of institutions to get the best students may be an issue here, but I.

Mr. Goodlatte. That would be a small price to pay for a little more security, would it not?

Mr. Ward. Right. I think that is something that should be put in the pot in these discussions.

Mr. Goodlatte. I thank you.

Let me ask Dr. Hanson, and, Dr. Ward, if you need to depart, we certainly understand that.

Dr. Hanson, do you believe that schools should be decertified from participating in the issuance of I-20s if they have a high no-show rate or if they have a high dropout rate of foreign students or if they have a high overstay rate of students who, after they have completed their academic work, don't depart from the country? According to the testimony of the Immigration Service, the record keeping we would like to see does not help in showing when somebody has indeed not shown up at a school or has indeed dropped out of school or has not departed the country. If they had the ability to control their own records, they would be able to know that because the student surrendered their I-94 card before leaving the country. If all that were in the database that is keeping track of this, we would be able to see which institutions were indeed attracting students who genuinely wanted to come here to learn, which I think we all have as an objective, and which institutions were simply becoming facilitators of people entering the country but not participating in or completing the programs of which they had allegedly enrolled.

Ms. Hanson. A couple of important points to make.

The first is that the institution's obligation is to assure that when the student arrives they stay in good status, to remind the student what their obligations are during that period, and to remind them when they have completed their education that they have a certain amount of time to leave, et cetera. Enforcement otherwise is INS's responsibility.

The second point is one that I think people need to note. Because the fact that a student doesn't report to an institution doesn't mean they have gone missing. It takes a while in the current system for an institution to know that a student who has entered the country using the institution's I-20 has entered the country using that institution's I-20. That is a very slow report right now.

Mr. Goodlatte. I understand. But, ultimately, one knows whether the student didn't show up or not.

Ms. Hanson. Ultimately, one does, but right now if they don't show it could have been because they went to a different institution or because they changed their minds and never left their countries. You don't know for quite a number of months whether or not someone has used your document to enter the country.

Mr. Goodlatte. I certainly understand that, but if we went to a system where you had one I-20 issued and the school had been notified that the I-20 had been received and that the visa had been issued to that student to attend American University, then American would know to be expecting them. If they don't show up, they would have a means of reporting that.

That would all go into, presumably, a database that would make, ultimately, information available to the State Department which, as I take it, oversees this program along with the Immigration Service. Certain schools like American University were using this program to promote the opportunity of students from all over the world to come here and get the great education they can get at American, but an XYZ school somewhere else might simply be facilitating the ability for people to fraudulently enter this country.

Once we know that information, if we find schools that have high records of nonperformance, just like we now have procedures with schools that don't collect students loans, should we not have some disciplinary mechanism to say those institutions that don't pursue enrolling students on a regular basis, who do indeed show up and aren't abusing our visa system, that those organizations should pay some penalty for perpetuating that?

Ms. Hanson. Yes. The short answer is, yes, they should lose their ability to admit international students.

Mr. Goodlatte. Thank you.

Mr. Chairman, I appreciate your holding this hearing. I think it was very valuable, and I hope that we will have the opportunity to work with Governor Ridge and other appropriate committees of jurisdiction to have some input into the changes that need to be made and the procedures that need to be followed with regard to students enrolling in our institutions. I think we do want to continue to have good students come here from all over the world, but we also want accountability on the part of both the students and the institutions to be sure they are not abusing the system.

Chairman McKeon. I would like to thank the witnesses and members for their time and participation today. As we move forward, and if there is any legislation on this, we would like to have you involved in working with us on this process.

If there is no further business, the joint subcommittee hearing is adjourned.

[Whereupon, at 1:30 p.m., the joint subcommittee was adjourned.]

APPENDIX A - WRITTEN OPENING STATEMENT OF CHAIRMAN PETE HOEKSTRA, SUBCOMMITTEE ON SELECT EDUCATION, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

OPENING STATEMENT OF PETE HOEKSTRA
CHAIRMAN
SUBCOMMITTEE ON SELECT EDUCATION

Hearing on Tracking International Students in Higher Education, Policy Options and Implications for Students

Wednesday, October 31, 2001

Good morning. Thank you all for being here today and for your patience. As most of you know, this hearing was originally scheduled for last week Wednesday, and I appreciate our witness's flexibility and their willingness to be here for this important hearing.

Today, we are seeking insight and expertise with regard to the rules and requirements for international students studying in the United States. This is important in better informing members of Congress about the process for an international student to gain entry into institutions of higher education in the United States.

Since September 11th, there has been a great deal of focus on 19 individuals and how they were able to enter the United States and why we were unable to know more about where they were and why they were here. Based on information we have received from the Immigration and Naturalization Service, two of the 19 were admitted to the United States as students, with one individual having overstayed his authorized period of time in this country. It is still unclear as to whether the second individual here on a student visa was in a lawful status on September 11th.

We are here today to learn from you so that we can gain valuable knowledge as to what may have gone wrong with the system in place to monitor visas provided to visitors to the United States. We are NOT here to imply that international students are a problem or to prevent these students from coming to the United States to participate in an education system that is second to none. The impact of international students on American campuses is great. International students receive an unparalleled education, while also exposing American students to world cultures. The relationships that are built and the understanding of other cultures that is gained is a gift and should be encouraged.

The larger goal for the federal government, however, is to protect all students and the citizens of the United States. We need to be sure that those who come to the United States for the specific purpose of educational study do in fact carry out that purpose.

When an international student is granted a visa for study in the United States, it is for a specific purpose and time frame. Institutions of higher education have records of those students who are accepted for enrollment but do not actually attend classes, as well as those who attend and then drop out or transfer. Therefore, if someone enters the U.S. for study at a particular school and fails to attend, the school, it would seem reasonable, could report that information to the proper authorities. My understanding is that transfer of this vital information does not occur on a regular basis, unless the INS requests it. We ask you as experts here today to educate us about what systems are in place to accommodate this information and what is done, or should be done, if a visa's term expires.

We would also like to learn more about the Coordinated Interagency Partnership Regulating International Students system (CIPRIS), which is now known as the Student and Exchange Visitor Information System (SEVIS). There have been some problems with the implementation of this electronic system as well as timing issues associated with the cost of bringing it fully on-line. It seems that this system would be a good first step toward strengthening the process for monitoring student visas. We look forward to your insight on this and other processes the State Department and the INS are undertaking to address some of the concerns raised about individuals gaining entry to the United States for a supposed legal purpose but potentially carrying our other goals.

I will now turn it over to my friend and Ranking Member of the Select Education Subcommittee, Tim Roemer, for his opening remarks.

APPENDIX B - WRITTEN OPENING STATEMENT OF CHAIRMAN HOWARD P. "BUCK" McKEON, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Opening Statement of Howard P. "Buck" McKeon
Chairman
Subcommittee on 21st Century Competitiveness

Hearing on "Tracking International Students in Higher Education -- Policy Options and Implications for Students"

Good morning,

I want to welcome our witnesses here today and thank them for taking the time, especially in light of the difficult circumstances over the last few weeks, to appear before the subcommittees to help us learn more about the current system in place for international students wanting to study in the United States.

I would also like to express my sincere and personal appreciation for your willingness to be flexible in the rescheduling of the hearing, which was originally scheduled to take place on October 24th.

As my friend and colleague, Representative Hoekstra, indicated, this hearing is informational in nature. In light of the events that have taken place since September 11th, it is imperative that we reevaluate the systems in place to protect the freedoms and security of our citizens

The United States has an educational system that is the best in the world. We offer opportunities that some from other nations cannot even imagine.

We bring together the best and brightest everyday and encourage lifetime learning for everyone.

Though our educational system provides many freedoms and opportunities, it also creates challenges for those responsible for screening international students seeking to enter the United States and the educational institutions involved in providing the learning experience so many seek.

According to recent data, in 1999, there were approximately 31.4 million total visas provided to individuals for entry into the United States. Of that total, approximately 570,000 were granted to international students attending colleges and universities in the U.S. Another 275,000 visas were granted to exchange visitors during that same time. It is clear as these numbers continue to increase that there must be adequate safeguards in place for the reporting and monitoring of these visa recipients.

This hearing is NOT an effort to thwart the educational goals of international students seeking to participate in and benefit from the institutions of higher learning in this country.

This hearing is simply an effort by the Subcommittee on 21st Century Competitiveness and the Subcommittee on Select Education to learn about the screening and monitoring processes that are currently in place for international students entering the United States. For example, what process must students go through to receive visas? And what coordination takes place between the various agencies and organizations involved in that process?

We are also here to seek input from the experts to determine if there are things that can be done to not only shore up and make the process more efficient, but to insure that those seeking to enter the United States for legitimate educational purposes are permitted to do so.

As alluded to, the Student Exchange Visitor Informational System (SEVIS) will, when fully operational, allow colleges and universities the ability to report information on those international students accepted for enrollment, but who do not attend or who transfer or drop out of school. The system will be internet-based and will provide government agencies, such as INS and the Department of State, with updates as to when a student in the United States on a student visa changes his enrollment status. We would like to specifically hear from the representatives here as to how the gradual implementation of this system has affected them and where they see their role in this and future developments with the SEVIS system. It will also be helpful to us to hear your recommendations for a faster and more complete implementation of the system.

I am encouraged by some of the conversations I have had with the higher education community as to their willingness to work with each other and with federal agencies to ensure the completion of the SEVIS system, and to share the information they have on a timely basis.

I am confident that we can work together to keep the educational opportunities of this great nation available to those who want to take advantage of them while at the same time ensuring the safety of our citizens.

Thank you again for joining us. I would now like to yield time to my colleague and Ranking Member of the Subcommittee on 21st Century Competitiveness, Representative Patsy Mink, for any opening statement.

APPENDIX C - WRITTEN STATEMENT OF MARY RYAN, ASSISTANT SECRETARY OF STATE, CONSULAR AFFAIRS, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.

STATEMENT OF

MARY A. RYAN

ASSISTANT SECRETARY FOR CONSULAR AFFAIRS

UNITED STATES DEPARTMENT OF STATE

BEFORE THE

SUBCOMMITTEES ON 21ST CENTURY COMPETITIVENESS AND SELECT EDUCATION

COMMITTEE ON EDUCATION AND THE WORKFORCE

UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

INTERNATIONAL STUDENTS

OCTOBER 24, 2001

Mister Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to explain the role of the Bureau of Consular Affairs, and most particularly our visa processing system, in documenting foreign students to study in the United States. I am keenly aware that the events of September 11 have heightened congressional attention on this issue. My testimony will focus on the process and criteria we use to determine the eligibility of applicants by foreign nationals to study in the United States. I will also note how our activities and those of the INS are designed to complement each other.

It is a tribute to the quality of the educational system in the United States that so many foreign nationals seek to pursue their studies here. Our student visa policy is based on the democratic values of an open society and the general perception of the American public that foreign students make a tremendous contribution to our nation's intellectual and academic climate as well as to our nation's economy. In addition, a U.S. education plays an invaluable role in spreading American values overseas and in strengthening our bilateral and person-to-person ties with countries throughout the world.

The criteria of U.S. immigration law have for many years made it relatively easy for *bona fide* students to pursue study in the U.S. There are no quotas and few restrictions. Prospective students can freely contact U.S. academic institutions to find a program that suits their interests and financial circumstances in very much the same manner as U.S. students.

Many of our overseas consular and public diplomacy sections, Fulbright Institutions, and other educational organizations go to great lengths to meet the demand for information from prospective students through outreach programs, web sites, and handouts. These generally reflect our nation's long-standing interest in promoting study in the United States.

Consular officers evaluate student visa applications as they do all nonimmigrant visa applications - by looking at the full range of criteria established by U.S. immigration law. The most pertinent elements are the credibility of applicants' plans to study in the

United States and whether they have the financial means to pay for their education. As further required under U.S. law, the officer also determines whether a student visa applicant has a residence abroad that he or she has no intention of abandoning, and intends to depart from the U.S. upon completion of the course of study.

Every prospective student must present Form I-20A-B, Certificate of Eligibility For Nonimmigrant (F-1) Student Status - for academic and language students, or Form I-20M-N, Certificate of Eligibility for Nonimmigrant (M-1) Student Status - for vocational students, properly completed and signed by the applicant and a designated school official. This document informs the consular officer of the nature of the program, the required English language fluency of the visa applicant, and the funds necessary for the program. These documents constitute evidence that the applicant has been accepted for attendance for the purpose of pursuing a full course of study in an academic or nonacademic institution approved by the Attorney General for foreign students under the Immigration and Nationality Act.

In addition to the "F" and "M" student visas, the Department of State administers the exchange visitor program, which has 13 categories of exchange visitors including students who enter the country to pursue academic studies at secondary and post secondary academic institutions. An applicant is classifiable as an exchange visitor, eligible to participate in an exchange visitor program designed by the Department of State, when he or she presents a properly executed Form IAP-66, Certificate of Eligibility for Exchange Visitor (J-1) Status.

Those student visa applications that are denied are usually done so for one of two reasons: either the applicant does not have a *bona fide* interest in pursuing a course of study and is likely to seek unauthorized employment in the United States, or the applicant (or his or her family) does not have financial resources sufficient for the full course of study. Preliminary 2001 figures indicate our visa issuing offices abroad issued nearly 293,000 student "F" visas, 5,400 "M" visas, and 262,000 exchange visitor "J" visas. I am attaching to my testimony for the record visa issuance figures for the past five years.

At this point, Mr. Chairman, I would like to remind the committee that all visa applications, including student and exchange visitors, are processed using automated systems, which prompt a namecheck through the Department of State's centralized lookout system, known as CLASS. A consular officer must review all hits before the case can be formally approved for printing. There is no override for this feature. Simply stated, it is not possible to issue a visa unless a namecheck has been completed and reviewed by an officer. I would also like to emphasize, Mr. Chairman, that the Department has in place special headquarters clearance procedures for nationals of certain countries including students -- such as those on the State Sponsors of Terrorism list -- as well as for those whose planned travel raises concerns about unauthorized access to sensitive technologies. In those cases, Washington clearance is required before the visa may be issued.

Let me now turn to how the work of consular officers and INS officers complement each other. Consular officers deal with student visa applicants. The INS deals with U.S.

academic institutions. More precisely, INS has the legal responsibility of determining which U.S. institutions may accept foreign students and thus issue the I-20 form. On occasion, consular officers have found evidence of the misuse of the I-20 form and provided it to the INS. But we do not have a legal role in determining the criteria for determining which institutions may accept foreign students.

The events of September 11 have brought into sharp focus the need to more closely monitor the status of nonimmigrants, including students, in the United States. In fact, measures to accomplish the monitoring of students have been underway for some time. In response to a requirement in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, in 1997 the INS initiated a pilot program to collect information, monitor the academic progress, and movement of foreign students and exchange visitors in the United States. This pilot program was known as CIPRIS, the Coordinated Interagency Partnership Regulating International Students.

Legislation enacted last year amended the provision for collection of the fee imposed on foreign students and exchange visitors to fund the nationwide system currently under development, the Student and Exchange Visitor Program, or SEVP. As the INS has been charged with the development of this program, in consultation with the Departments of State and Education, I will defer to my INS colleague to outline SEVP in detail. For my part, I believe that when the system is deployed nationwide, our ability to collect, maintain and track information relative to international students and exchange visitors will not only contribute to our national security, but also add integrity to the visa issuance process by ensuring the security of the I-20 and IAP-66 forms that are central to the processing of these visa categories.

We are actively participating with our colleagues from the Immigration and Naturalization Service, as well as the academic community, in the design and development of SEVP and its core application, the Student and Exchange Visitor System, SEVIS, designed to convert what was largely a manual, paper-based process to a modern automated system.

Closing

Mr. Chairman, our free and open society will continue to attract talented young people seeking greater educational opportunities, as well as those seeking political, economic and social freedoms and opportunities. As I said at the opening of these remarks, foreign students make a tremendous contribution to the American academic climate as well as to the economy, and a U.S. education plays an invaluable role in spreading American values overseas and in strengthening our bilateral and person-to-person ties with countries throughout the world. We must continue to nurture this vital relationship as we improve the security of our borders.

Thank you, Mr. Chairman, and members of the subcommittees, for permitting me to share my thoughts with you today. I would now be pleased to answer any questions you may have.

Student Visa Issuance Figures

Visa Class	1997	1998	1999	2000	2001
F-1	266,483	251,565	262,542	284,053	292,764
J-1	179,598	192,451	211,349	236,837	261,674
M-1	7,075	6,515	6,240	6,107	5,376

APPENDIX D - WRITTEN STATEMENT OF MICHAEL BECRAFT, ACTING DEPUTY COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, WASHINGTON, D.C.

STATEMENT

OF

MICHAEL BECRAFT
ACTING DEPUTY COMMISSIONER
U.S. IMMIGRATION AND NATURALIZATION SERVICE

BEFORE THE

HOUSE EDUCATION COMMITTEE
SUBCOMMITTEES ON 21ST CENTURY COMPETITIVENESS AND SELECT EDUCATION

REGARDING

TRACKING INTERNATIONAL STUDENTS IN HIGHER EDUCATION: POLICY OPTIONS AND IMPLICATIONS FOR STUDENTS

OCTOBER 31, 2001

2175 RAYBURN HOUSE OFFICE BUILDING
10:00 A.M.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE,

On behalf of Commissioner Ziglar, thank you for the opportunity to address the Committee on the topic of foreign student visas. Although the Commissioner could not be here in person, I am pleased to discuss with you the processes and requirements currently in place for international students to study in the United States.

I would like to begin by placing our current work on tracking foreign students into an historical context. The growth in international education has significantly benefited the U.S. economy and brought continued recognition of the superiority of the U.S. higher education system. Foreign student programs have been found to serve U.S. foreign policy objectives by exposing nationals of other countries to the institutions and culture of the United States, by helping to cement alliances with other countries, and by transferring knowledge and skills to other countries, particularly developing countries. This growth has also resulted in increased security concerns over the past several decades.

For example, the INS investigated certain foreign students present in the United States after the 1972 attacks at the Munich Olympics, especially those foreign students enrolled in aviation schools. Following the hostage-taking incidents at the U.S. Embassy in Tehran in 1979, the INS registered (in person) all Iranian students present in the United States.

In December 1981, Congress addressed the issue of foreign students when it enacted Public Law 97-116, the Immigration and Nationality Amendments of 1981, creating the M-1 nonimmigrant classification for vocational students and specifying the types of educational institutions that were eligible to accept F-1 students. The motivation behind the creation of the then new M-1 classification was to afford maximum oversight over this group of students.

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In 1982, based on the Iranian hostage incident, changes in immigration law, a growing volume of foreign student visa holders, and a 1981 report issued by the President=s Management Improvement Council on foreign students in the United States, the INS proposed revamped regulations to monitor foreign students and established an automated system to maintain data on this population. With the Student Schools System, the INS proposed to confer greater authority and responsibility on schools approved to accept F-1 and M-1 non-immigrants. Through regulation, not statute, the INS and the schools formed an important partnership to monitor foreign students. While the INS delegated certain authorities to the schools to respond to the growing number of student applications and help streamline the processes, the INS also required all schools to reapply for certification to accept foreign students. The INS also mandated that all approved schools maintain records on the foreign students enrolled at their institutions. These measures included: 1) allowing the schools to notify the INS that a foreign student had transferred from one approved school to another in lieu of an adjudication of the transfer, 2) instituting "Duration of Status" to eliminate requests for extension to proceed from one level of study (baccalaureate) to another (Master's), and ; 3) permitting the schools to authorize employment when it was a necessary component of the curriculum.

In 1983, the INS finalized these regulations and began the school re-certification process. The INS also required, for the first and only time, that all schools report information on all F and M visa students enrolled at their institutions.

Since 1983, many dedicated school officials who work with foreign students have raised concerns about acting as counselor and confidant to foreign students on one hand, while acting as "policeman" for the INS on the other. This has continued to be a source of tension for many throughout the academic community.

For 15 years, there were no substantive changes to these foreign student visa programs. Then, as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), two student-related provisions were enacted. First, Congress addressed what was viewed as a growing problem for taxpayers who were bearing the financial cost to educate so-called "parachute kids" –B those children who were dropped off in the United States by parents or guardians to obtain an education. Congress limited the issuance of student visas by prohibiting aliens in public elementary schools or publicly funded adult education courses from obtaining an F-1 visa. Congress also specified that aliens could obtain an F-1 visa to attend public high school for one year provided they reimbursed the local school system for the full, unsubsidized amount of one year's education. (There is a related bar to admission for students who violate this provision). Second, Congress enacted a provision to require the INS to develop a student information tracking system that came to be known as CIPRIS, the Coordinated Interagency Program Regulating International Students.

Overview of the Student Visa Process

Although the focus of my testimony today is on foreign students attending academic institutions, one must note that the international student population includes aliens who are enrolled in programs outside of the traditional university or college environment. Many are admitted into the United States in order to pursue study at intensive language programs or vocational or trade institutions, or to participate in cultural exchange programs. All student visas, however, are temporary, nonimmigrant visas, regardless of the type of program in which the alien is enrolled. Thus, visa applicants must establish that they have no intention of abandoning their residence in their home countries, and are expected to depart from the United States upon completion of their studies.

There are currently three visa categories into which international students are classified. The F-1 nonimmigrant visa is issued to aliens wishing to pursue academic or language studies in INS-approved educational institutions in the United States. The J-1 nonimmigrant visa is issued to aliens wishing to participate in Department of State-approved exchange visitor programs, and the M-1 nonimmigrant visa is issued to aliens engaging in vocational, trade or other nonacademic studies at INS-approved institutions. The type of visa granted to an alien depends on the type of program in which he or she chooses to enroll.

One must keep in mind that not all educational institutions in the United States are legally able to accept foreign students in their programs. Only those institutions to which the INS has granted approval may enroll F-1 and M-1 nonimmigrant students. The requirements governing the INS approval process to accept foreign students are established by regulation. In general, a school applies for INS approval by submitting a completed Form I-17, Petition for Approval of School for Attendance by Nonimmigrant Students, with the INS district office having jurisdiction over the area where the school is located. This application must be accompanied by supporting documents, as outlined in the regulations. These documents include the school=s financial data; the nature of its facilities for study and training; educational, vocational, or professional qualifications of the teaching staff; the salaries of instructors, and the school=s attendance and scholastic grading policy.

Upon receiving the petition, the district office evaluates all documents submitted and may conduct a site visit to verify that the applicant is: 1) a bona fide school; 2) an established institution of learning or other recognized place of study; 3) in possession of the necessary facilities, personnel, and finances to conduct instruction in recognized courses; and 4) in fact, engaged in instruction in those courses. Site visits may include interviews of relevant parties at the applicant school. If approved, the district office notifies the applicant school of its decision and issues it a unique identifying number.

Obtaining the Foreign Student Visa

An alien seeking an education in the United States must first apply to each school he or she would like to attend. Upon accepting the alien=s application, the educational institution issues to that alien an INS Form I-20. Thus, if an individual has been accepted at ten institutions, for example, that individual receives one Form I-20 from each institution that accepts him or her. INS rules prohibit an educational institution from issuing an I-20 to a student who does not satisfy the institution=s admission requirements.

Upon selecting the school or program he or she will attend, the foreign student applies for his or her student visa from the U.S. Embassy or Consulate with jurisdiction over his or her place of permanent residence. In order to obtain a visa that allows the alien to travel to the United States, the alien must submit a visa application that includes the alien=s passport, photograph, Form I-20, requisite proof of financial support, and any other relevant documents. Each student visa applicant must pay a nonrefundable visa application fee.

A U.S. Department of State consular officer reviews the documentation and, where necessary, conducts an in-person interview. The Consular Lookout and Support System (CLASS) is queried for potential problems associated with the alien applicant. If granted a nonimmigrant student visa, the consular officer places in the alien=s passport a visa with the appropriate classification and notes the name of the school that the alien has indicated he or she will attend. Additionally, the consular officer places that Form I-20 in a sealed envelope marked to the attention of the INS officer. Any remaining Form I-20 forms received by the student from other schools are considered invalid at this time.

Obtaining Admission to the United States

The INS becomes involved in the student visa process at the moment the alien arrives at a U.S. Port of Entry (POE) and seeks admission to the United States. Upon arrival at the POE, the foreign student must present his passport, Form I-20, and accompanying documents to the INS inspector. The inspector examines all documents presented, and if satisfied that the applicant is admissible, issues the foreign student a completed I-94 Entry/Departure form. The inspector stamps the standard two copies of the Form I-20, the passport, and the completed I-94 form, and records the I-94 admission number in the student=s passport and on both copies of the Form I-20. The alien is given the student copy of the Form I-20 and the departure portion of the I-94. The INS copy of the Form I-20 and the arrival portion of the I-94 are retained for internal distribution and data entry into the appropriate systems by the INS. The majority of F-1 academic students are admitted into the United States for Aduration of status,≅ notated as AD/S≅ on their I-94 forms. This status allows the foreign student to remain in valid nonimmigrant status so long as he or she is meeting all relevant statutory and regulatory requirements. Thus, an F-1 student who is admitted for Aduration of status≅ is considered to be maintaining lawful nonimmigrant status for the entire time he or she remains in the United States while making normal progress toward completing his or her program, including the time in which the F-1 student has elected to pursue additional study beyond the program for which he or she was initially admitted (e.g., 4 years for a bachelor=s degree, followed by an additional 3 years for a Master=s degree, for a total of 7 years in the United States.)

This general process for obtaining a foreign student visa and admission is similar for all aliens seeking to pursue study in the United States, regardless of the type of program in which the alien enrolls. There are, however, differences among the F, J, and M nonimmigrant procedures.

Primary differences include: aliens admitted in an M-1 nonimmigrant status for vocational or nonacademic study will be given an I-94 arrival/departure form with a date-specific stamp rather than Aduration of status≅; and aliens seeking to participate in an exchange visitor program will be issued the Form IAP-66 by the institution (rather than the Form I-20) to indicate eligibility for the J-1 nonimmigrant status. I would note that the Department of State administers the exchange visitor programs and issues additional regulatory requirements regarding eligibility for, and continued participation in, those exchange programs.

Monitoring of International Students within the United States

Once a foreign student arrives at the school, his or her Form I-20 provides instructions as to the name and address of the school official to whom the student is to report. The school official responsible for international students is required to maintain records of specified events on each foreign student enrolled at that institution, as required by statute and INS regulation, throughout the course of the student=s stay in the United States. These events include program end dates, fields of study, credits completed per semester, and any employment in which the student may engage. By regulation, educational institutions are required to provide this information to the INS upon request.

Improving the Student Visa Process

The foreign student visa process I have just described is paper-based and depends on the movement of paper forms. As a result, the INS recognizes that it is vulnerable to both inaccurate data and fraud at various stages of the process. Although the INS currently maintains limited records on foreign students and is able to access that information on demand, that information is on old technology platforms that are insufficient for today=s need for rapid access. That is why we are moving forward with the Student Exchange Visitor Information System (SEVIS), formerly known as CIPRIS. Objections, primarily by the academic establishment, have delayed implementation of the student tracking fee necessary to complete deployment of the system. However, with the events of September 11, that objection has nearly disappeared and the INS, with your help, will meet, and intends to beat, Congress= deadline of January 2003 to start implementation of SEVIS. In that connection, the Administration is requesting $11.7 million from the emergency supplemental appropriations bill to fully fund the first year costs of this system. INS will then develop and implement a fee structure for future year costs. Full implementation of SEVIS will revise the process by which foreign students gain admission to the United States, resulting in improved integrity of the overall student visa process.

In order to continue an open dialogue with other Federal organizations that might be involved with international students, the INS has had ongoing discussions with the Department of Education and the Department of State. As a result of these meetings, the INS currently is investigating the feasibility of sharing foreign student data among our agencies so that we may each benefit from the available information and the systems retaining that data.

The Limits of Technology

There is no quick fix, technological or otherwise, to the challenges we face. We must work with advanced technology and do all we can to improve our systems. But we should not mislead ourselves into thinking that technology alone can solve our problems. Technology must be coupled with a strong intelligence- and information-gathering and distribution systems if we are to leverage our resources and maximize our capabilities. That will require seamless cooperation among the many government agencies involved.

If we are to meet the challenges of the future, we need to make changes at the INS and we are in the process of making those changes. The structure of the organization and the management systems that we have in place are outdated and, in many respects, inadequate for the challenges we face. Our information technology systems and related processes must be improved in order to ensure timely and accurate determinations with respect to those who wish to enter our country and those who wish to apply for benefits under our immigration laws. The management restructuring of the INS is on its way B a mandate the President has given this agency B and the improvement of our information technology systems is moving ahead.

Looking Ahead

It has been said that after September 11 Aeverything has changed.≅ I hope that is not true. America must remain America, a symbol of freedom and a beacon of hope to those who seek a better life for themselves and their children. We must increase our security and improve our systems, but in doing so we must not forget what has made this nation great B our openness to new ideas and new people, and a commitment to individual freedom, shared values, innovation, and the free market. This includes providing international educational opportunities that benefit both the United States and the many nations around the world that send their young people here to learn. Thank you for this opportunity to appear, Mr. Chairman. I look forward to your questions.

APPENDIX E - RESPONSE SUBMITTED FOR THE RECORD BY ASSISTANT SECRETARY OF STATE RYAN TO QUESTIONS SUBMITTED BY RANKING MEMBER PATSY MINK, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

United States Department of State

Washington, D.C. 20520

Student Visa Issuance/Refusal Figures for Saudis and Filipinos

Nationality	Visa Class	FY	Issued	Refused	Overcome
SARB	F-1	1997	3,529	406	280
		1998	3,796	430	144
		1999	3,893	384	254
		2000	4,038	287	196
		2001	4,359	171	115
SARB	J-1	1997	341	7	3
		1998	326	15	12
		1999	265	3	3
		2000	247	5	5
		2001	261	5	3
SARB	M-1	1997	277	34	31
		1998	294	33	10
		1999	226	22	13
		2000	233	8	5
		2001	173	5	5
PHIL	F-1	1997	697	585	14
		1998	672	389	28
		1999	759	526	93
		2000	884	635	107
		2001	1,034	612	133
PHIL	J-1	1997	871	173	6
		1998	767	66	22
		1999	765	55	22
		2000	809	66	33
		2001	1,009	102	68
PHIL	M-1	1997	38	27	3
		1998	35	23	1
		1999	36	28	6
		2000	46	90	7
		2001	45	67	5

Student Visa Issuance Figures

Visa Class	1997	1998	1999	2000	2001
F-1	266,483	251,565	262,542	284,053	293,358
J-1	179,598	192,451	211,349	236,837	61,770
M-1	7,075	6,515	6,240	6,107	5,373

APPENDIX F - STATEMENT SUBMITTED FOR THE RECORD BY THE HONORABLE MARGE ROUKEMA, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Statement of
Rep. Marge Roukema
Joint Hearing
Subcommittees on Select Education and 21st Century Learning
October 31, 2001

Mr. Chairman:

I want to thank you for allowing me to participate in this morning's hearing. While I have been a longtime and active Member of the full Committee, I do not formally serve on either of these two distinguished Subcommittees. I think you know that I have held a longtime interest in this and other issues directly relating to our immigration system.

For too long we have been closing our eyes and turning our backs on our own laws -- allowing people to abuse our visa system. We have shown no effort, either financially or in terms of immigration reform, to enforce those laws. As a result, illegal aliens are hiding in every corner of our great nation. There is no question that there are a disgraceful number of gaps in the system.

In the past, we thought illegal aliens drained our national resources and hurt those legal immigrants who waited their turn to enter the United States.

In light of the horrible events of September 11, it's now clear that some illegal aliens threaten our national security.

I have been working with Chairman McKeon, Rep. Tancredo and other Members of the Immigration Reform Task Force. We know that genuine reform is a matter for Committees beyond this one. But I want to thank you for shining the bright spotlight on one aspect of a failed visa system.

On September 11th, the loopholes of our visa programs had disastrous consequences. As we re-examine our country's immigration policies, we must address and immediately rectify the problems surrounding student visas – one of the most unregulated and exploited visa categories in law. Student visas are granted in this country with little scrutiny of the applicants. To make matters worse, the tracking of "students" once they enter this country is spotty, at best.

President Bush has identified student visas as a key component of immigration reform and protection of our homeland. We have been in contact with the White

House and are working with them to develop new policies for granting student visas.

I have also been working with the Immigration Reform Caucus and have introduced legislation to begin to reform the student visa program.

Our bill would institute a few common-sense reforms, many of which have been outlined here today.

Fundamentally, however, our bill requires colleges and universities to report to the Attorney General and Secretary of State regarding the enrollment status of holders of student visas. We can not tolerate non-citizens entering the country on student visas and then never showing up or making a mere token appearance at the institution of higher education.

It will take time and effort to implement these reforms. While that process is underway, I think it is only prudent to take a system-wide pause. That's why our bill would establish a nine month moratorium on the student visa program to give the immigration officials time to institute tighter controls.

Mr. Chairman, our nation takes pride in our institutions of higher learning. In fact, our system of higher education is the envy of the world. That's why it serves as a magnet to students around the globe. In turn, we encourage diversity in our classrooms and appreciate the contribution of foreign students.

But abuse of our system cannot be tolerated. We must not let anyone take advantage of our national generosity.

APPENDIX G - RESPONSE SUBMITTED FOR THE RECORD BY MICHAEL BECRAFT TO A QUESTION SUBMITTED BY THE HONORABLE PATRICK TIBERI, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

U.S. Department of Justice
Immigration and Naturalization Service

CO 703.613

Office of the Commissioner
425 I Street NW
Washington, DC 20536

Ms. Kathleen Smith
Professional Staff member
House Committee on Education and
The Workforce
Subcommittees on 21st Century Competitiveness
and Select Education
U. S. House of Representatives
Washington, DC 20515

Dear Ms. Smith:

We regret the delay in responding to your follow-up questions to the October 31, 2001, hearing before the House Committee on Education and the Workforce, Subcommittees on 21st Century Competitiveness and Select Education.

The Immigration and Naturalization Service (INS), along with other law-enforcement agencies, has conducted investigations regarding the suspected hijackers responsible for the tragic events of September 11. Such investigations reveal that at the time the applications for non-academic student status (M-1) were approved, neither the INS nor the Department of State (DOS) were in possession of any adverse information indicating that these individuals posed a threat to the American public. Enclosed please find a summary of the immigration status of the suspected hijackers at their respective times of entry into the U.S. and on September 11, 2001.

According to records contained within the Student Schools System (STSC), the INS, following the events of September 11, has not decertified any schools.

Currently, each District Office establishes its own reporting requirements related to attendance by foreign students at certified schools. The INS is in the process of developing an internet-based system that enables schools and program sponsors to transmit electronic information and event notifications directly to the INS and the DOS. This system, the Student and Exchange Visitor Information System (SEVIS), which is part of the larger Student and Exchange Visitor Program (SEVP), will enhance the INS' effectiveness in monitoring foreign students.

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Currently, investigations related to reports on students not arriving at or attending their designated school are conducted locally. Following September 11, the INS has directed investigative resources toward the identification and apprehension of criminal aliens and terrorists.

We hope the information provided is useful. If we may be of assistance in the future, please let us know.

Sincerely,

FOR THE COMMISSIONER

Joseph Karpinski

Joseph Karpinski
Director
Congressional Relations and Public Affairs

AMERICAN AIRLINES FLIGHT 11

NAME	ARRIVAL	VISA
Alomari, Abdula	June, 2001	B-2
Alshehri, Wail M.	June, 2001	B-2
Alshehri, Waleed M	May, 2001	B-2
Al Suqami, Satam M.A.	May, 2001	B-1 Overstay
Atta, Mohammed Mohamed	July, 2001	B-1 *

AMERICAN AIRLINES FLIGHT 77

NAME	ARRIVAL	VISA
Alhazmi, Nawaf M.S.	January, 2000	B-2 Overstay
Al Hazmi, Salem M.	June, 2001	B-2
Al Mihdhar, Khalid M.A.	July, 2001	B-1
Hanjour, Hani S.H.	December, 2000	F-1 Overstay
Moqed, Majed M. GH.	May, 2001	B-2

UNITED AIRLINES FLIGHT 93

NAME	ARRIVAL	VISA
Alghamdi, Saeed A. A.	June, 2001	B-2
Al-Haznawi, Ahmed Ibrahim A.	June, 2001	B-2
Alnami, Ahmed A. A.	May, 2001	B-2
Jarrah, Ziad Samir	August, 2001	B-2

UNITED AIRLINES FLIGHT 175

NAME	ARRIVAL	VISA
Alghamdi, Ahmed Saleh S.	May, 2001	B-2
Alghamdi, Hazma S. A.	May, 2001	B-2
Alshehri, Mohand M. F.	May, 2001	B-2
Alshehhi, Marwan Yousef Mohamed R. Lekrab	May, 2001	B-2
Banihammad, Fayez Rashid Ahmed	June, 2001	B-2

Information as of 11/20/2001

* In addition, Mr. Atta had filed an application to change status to M-1, which was granted on 7/17/01. However, on 7/19/01 Mr. Atta sought admission and was admitted to the United States based on his then current B-1 visitor visa.

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APPENDIX H - QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE LINDSEY GRAHAM, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Congressman Lindsey Graham
Questions for the October 31, 2001 Hearing on Student Visas
2175 RHOB

How many foreign students are currently in the United States on student visas?

What is the current policy for tracking students on visas here in the United States and how was it developed?

Are there any methods currently being used by INS for other visa applicants that might be applied to student visas?

How many foreign students come into the United States and never take a course?

Is there a current infrastructure for tracking students that could be strengthened to better ensure that foreign students here on visas are enrolled in classes?

Is INS giving more scrutiny to student visas issued to students from any particular nation in light of the September 11, 2001 attacks? Is it relatively easy for residents of some non-NATO nations to get visas than those from other nations?

APPENDIX I - RESPONSE SUBMITTED FOR THE RECORD BY MICHAEL BECRAFT TO QUESTIONS SUBMITTED BY THE HONORABLE LINDSEY GRAHAM, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

Questions Submitted to INS Deputy Commissioner Mike Becraft from Rep. Lindsey Graham at the hearing of the House Committee on Education and the Workforce, Subcommittees on 21st Century Competitiveness and Select Education; October 31, 2001

1) How many foreign students are currently in the United States on student visas?

FY 2000 non-immigrant admission data, which is the most current available, is provided below. These figures are a count of the total number of admissions granted by the Immigration and Naturalization Service (INS) and may include multiple entries by an individual foreign student during the course of FY 2000. For example, a student may depart the United States at the end of the year to celebrate the holidays and be admitted again upon his or her return.

F-1 non-immigrant academic students	648,793
J-1 exchange visitors	304,225
M-1 non-immigrant vocational students	10,288

2) What is the current policy for tracking students on visas in the United States and how was it developed?

Currently, all schools that the INS authorizes to accept F or M students are required to maintain, and report to the INS on request, certain specified information. The Department of State controls institutions permitted to engage in the J program. The list of data to be maintained by approved schools and programs is found at 8 CFR 214.3(g) and consists of the following:

- Name, place and date of birth
- Country of citizenship, address
- Status (full time v. part time)
- Date and commencement of studies
- Degree program and field of study
- Practical training (beginning/ending dates)
- Termination date and reasons, if known
- Information contained in the Form I-20, Certificate of Eligibility for Non-immigrant Student Status
- Number of credits completed per year
- Photocopy of student's Form I-20, Certificate of Eligibility for Non-immigrant Student Status

Under the current regulation language, the INS obtains much of this information through a paper-based process. Upon admission into its program, the school provides the alien applicant with a Form I-20, Certificate of Eligibility, which includes his/her biographical data, the name and address of the issuing institution, and the degree/area of study he/she intends to pursue. Once the alien obtains his/her student visa from the U.S. consulate office abroad, the alien travels to a U.S. Port of Entry, where an INS Inspector examines all of the documents presented by the alien. During this time, the Inspector stamps the standard two copies of the Form I-20 with the date and location of entry, removes the INS copy of the I-20, and forwards it to the INS data processing center in London, KY, where the foreign student's information is entered into the Student/Schools System (ST/SC). Updates to records in ST/SC are made through a similar process. Each time the student's information is updated on the Form I-20, the school's copy is sent to the INS data processing center to be entered into the ST/SC system.

Because the entire process is currently paper-based and depends on the movement of paper documents from one location to another, there is a significant lag time between the occurrence of a new event in the student's program and the updating of this information in the ST/SC system. As a result, the INS recognizes that it is vulnerable to untimely data at various stages of the process. Although the INS currently maintains limited records on foreign students and is able to access that information on demand, that information is on old technology platforms that are insufficient for today's need for rapid access. As a result, the INS is developing an Internet-based system that enables schools and program sponsors to transmit electronic information and event notifications directly to the INS and the Department of State. This system, the Student and Exchange Visitor Information System (SEVIS), part of the larger Student and Exchange Visitor Program (SEVP), will mitigate many of the problems of the current, paper-based system.

In 1982, based on the Iranian hostage incident, changes in immigration law, a growing volume of foreign student visa holders, and a 1981 report issued by the President's Management Improvement Council on foreign students in the United States, the INS proposed regulations to track foreign students and established an automated system to maintain data on this population. With the ST/SC, the INS proposed to confer greater authority and responsibility on schools approved to accept F-1 and M-1 non-immigrants. Through regulation, the INS and the schools formed an important partnership to monitor foreign students. While the INS delegated certain authorities to the schools to respond to the growing number of student applications and help streamline the processes, the INS also required all schools to re-apply for certification to accept foreign students. The INS also mandated that all approved schools maintain certain specified information on the foreign students enrolled at their institutions and to provide that information to the INS upon request. Other changes included: 1) allowing the schools to notify the INS that a foreign student had transferred from one approved school to another in lieu of an INS adjudication of the transfer; 2) instituting "Duration of Status" to eliminate requests for extension to proceed from one level of study (for example, from a baccalaureate degree program to a master's degree program); and 3) permitting the schools to authorize curricular practical training when it is a necessary component of the curriculum.

In 1983, the INS finalized these regulations and began the school re-certification process. As part of these new regulations, the INS also limited the enrollment of foreign students to only those educational institutions granted such approval by the INS.

3) Are there any methods currently being used by INS for other visa applicants that might be applied to student visas?

No, except for those improvements which we are already working to implement. For example, we are working to meet the mandates enacted under the Data Management Improvement Act (DMIA). The DMIA requires the INS to develop a fully-automated integrated entry-exit data collection system and deploy this system at airports and seaports by the end of 2003, the 50 largest land ports of entry by the end of 2004, and completing the deployment to all other ports of entry by the end of 2005.

4) How many foreign students come into the United States and never take a course?

That data is currently unknown, but should become available in the future as our automated student tracking system, known as the Student and Exchange Visitor Information System (SEVIS), is implemented. Currently, each District Office manages the degree to which schools report on whether a student is actually taking courses, and any investigations of a "no-show" are handled locally. As a result, the data is not captured centrally. The INS is in the process of promulgating a rule implementing the substantive requirements of the SEVIS program, and that rule does require schools to report a "no-show" to this central database within thirty days of the end of the school's registration period. Thus, the data should be available in the future.

5) Is there a current infrastructure for tracking students that could be strengthened to better ensure that foreign students here on visas are enrolled in classes?

As described above in question #2, the infrastructure currently in place for tracking students is paper-based and has resulted in the collection of incomplete and out-of-date data. Recognizing these limitations, Congress enacted a provision in IIRIRA that directs the INS to develop a student information tracking system that is electronic to the fullest extent practicable. The development of the Student and Exchange Visitor Information System (SEVIS), as part of the Student and Exchange Visitor Program, is the result of this statutory mandate.

SEVIS is an Internet-based system that provides tracking and monitoring functionality, with access to accurate and current information on non-immigrant students (F and M non-immigrant visas) and exchange visitors (J non-immigrant visa), and their dependents. SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and the Department of State throughout a student's or exchange visitor's stay in the United States. SEVIS will be informed of status changes for international students and exchange visitor, including but not limited to:

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admissions at the Port of Entry, changes of address, program extensions, employment experiences, and changes in program of study.

Additionally, SEVIS will deter Form I-20 fraud through the use of encrypted 2D bar codes, generated only by SEVIS, and will collect and track certification information on institutions approved by the INS to enroll foreign students in their programs.

6) Is the INS giving more scrutiny to student visas issued to students from any particular nation in light of the Sept. 11th attacks? Is it relatively easy for residents of some non-NATO nations to get visas than from other nations?

The responsibility of issuing the actual nonimmigrant visa is a function of the Department of State. Upon accepting the alien's application, the educational institution issues to that alien the INS Form I-20, which is submitted by the alien as part of his/her F or M visa application package to the consular office having jurisdiction over his/her place of residence. The consular officer reviews the alien's application for an F or M student visa in accordance with guidelines provided by the Department of State. Given their role in the visa issuance process, the Department of State is the most appropriate agency to provide the response to this question.

APPENDIX J - RESPONSE SUBMITTED FOR THE RECORD BY MICHAEL BECRAFT TO QUESTIONS SUBMITTED BY THE HONORABLE TODD PLATTS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

U.S. Department of Justice
Immigration and Naturalization Service

CO 703.613
Office of the Commissioner
425 I Street NW
Washington, DC 20536

Ms. Kathleen Smith
Professional Staff member
House Committee on Education and
The Workforce
Subcommittees on 21st Century Competitiveness
and Select Education
U. S. House of Representatives
Washington, DC 20515

Dear Ms. Smith:

We regret the delay in responding to your follow-up questions to the October 31, 2001, hearing before the House Committee on Education and the Workforce, Subcommittees on 21st Century Competitiveness and Select Education.

The Immigration and Naturalization Service (INS), along with other law-enforcement agencies, has conducted investigations regarding the suspected hijackers responsible for the tragic events of September 11. Such investigations reveal that at the time the applications for non-academic student status (M-1) were approved, neither the INS nor the Department of State (DOS) were in possession of any adverse information indicating that these individuals posed a threat to the American public. Enclosed please find a summary of the immigration status of the suspected hijackers at their respective times of entry into the U.S. and on September 11, 2001.

According to records contained within the Student Schools System (STSC), the INS, following the events of September 11, has not decertified any schools.

Currently, each District Office establishes its own reporting requirements related to attendance by foreign students at certified schools. The INS is in the process of developing an internet-based system that enables schools and program sponsors to transmit electronic information and event notifications directly to the INS and the DOS. This system, the Student and Exchange Visitor Information System (SEVIS), which is part of the larger Student and Exchange Visitor Program (SEVP), will enhance the INS' effectiveness in monitoring foreign students.

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Ms. Kathleen Smith
Page 2

Currently, investigations related to reports on students not arriving at or attending their designated school are conducted locally. Following September 11, the INS has directed investigative resources toward the identification and apprehension of criminal aliens and terrorists.

We hope the information provided is useful. If we may be of assistance in the future, please let us know.

Sincerely,

FOR THE COMMISSIONER

Joseph Karpinski

Joseph Karpinski
Director
Congressional Relations and Public Affairs

AMERICAN AIRLINES FLIGHT 11

NAME	ARRIVAL	VISA
Alomari, Abdula	June, 2001	B-2
Alshehri, Wail M.	June, 2001	B-2
Alshehri, Waleed M	May, 2001	B-2
Al Suqami, Satam M A.	May, 2001	B-1 Overstay
Atta, Mohammed Mohamed	July, 2001	B-1 *

AMERICAN AIRLINES FLIGHT 77

NAME	ARRIVAL	VISA
Alhazmi, Nawaf M.S.	January, 2000	B-2 Overstay
Al Hazmi, Salem M.	June, 2001	B-2
Al Mihdhar, Khalid M.A.	July, 2001	B-1
Hanjour, Hani S.H.	December, 2000	F-1 Overstay
Moqed, Majed M. GH.	May, 2001	B-2

UNITED AIRLINES FLIGHT 93

NAME	ARRIVAL	VISA
Alghamdi, Saeed A. A.	June, 2001	B-2
Al-Haznawi, Ahmed Ibrahim A.	June, 2001	B-2
Alnami, Ahmed A. A.	May, 2001	B-2
Jarrah, Ziad Samir	August, 2001	B-2

UNITED AIRLINES FLIGHT 175

NAME	ARRIVAL	VISA
Alghamdi, Ahmed Saleh S.	May, 2001	B-2
Alghamdi, Hazma S. A.	May, 2001	B-2
Alshehri, Mohand M. F.	May, 2001	B-2
Alshehhi, Marwan Yousef Mohamed R. Lekrab	May, 2001	B-2
Banihammad, Fayez Rashid Ahmed	June, 2001	B-2

Information as of 11/20/2001

* In addition, Mr. Atta had filed an application to change status to M-1, which was granted on 7/17/01. However, on 7/19/01 Mr. Atta sought admission and was admitted to the United States based on his then current B-1 visitor visa.

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APPENDIX K - STATEMENT SUBMITTED FOR THE RECORD BY CHAIRMAN HOWARD P. "BUCK" McKEON, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, FROM DR. MICHAEL VANDE BERG, DIRECTOR OF INTERNATIONAL PROGRAMS, GEORGETOWN UNIVERSITY, WASHINGTON, D.C.

STATEMENT BY
DR. MICHAEL VANDE BERG
GEORGETOWN UNIVERSITY DIRECTOR OF INTERNATIONAL PROGRAMS
BEFORE HOUSE EDUCATION AND THE WORKFORCE
OCTOBER 31, 2001

Chairmen, Ranking Members and Members of the Subcommittees. Thank you for this opportunity to share Georgetown University's perspective regarding federal laws governing foreign students studying in the United States. I know that members of this panel are among the strongest advocates for higher education in the Congress, and I appreciate the fact that you have called this hearing about an issue that is a high priority to those of us on campuses across the nation.

Let me begin by pointing out that approximately eleven percent of the Georgetown student body is comprised of students from abroad. Particularly for an institution such as ours with a strong international identity and an academic emphasis in international fields, the presence of those students on our campus is fundamental to the mission of the University. Georgetown's mission statement emphasizes that the "University was founded on the principle that serious and sustained discourse among people of different faiths, cultures and beliefs promotes intellectual, ethical and spiritual understanding. We embody this principle in the diversity of our students, faculty and staff, our commitment to justice and the common good, our intellectual openness, and our international character." We attract among our U. S. students, future leaders of our nation, who come to us with strong interests in pursuing internationally-focused studies. The international students on our campus are also important to Georgetown's efforts to provide a profoundly international experience as are our renowned Foreign Service School, foreign language and area studies programs, and study abroad opportunities. Any decision that would diminish the presence of international students on our campus would undermine the quality of the Georgetown educational experience.

I would also emphasize that the presence of students from abroad on U. S. campuses in many instances serves important U. S. foreign policy objectives. One need only consider the fact that two current heads of state studied on the Georgetown campus: Philippine's President Gloria Macapagal-Arroyo and Jordan's King Abdullah. In all likelihood, their worldview was shaped in part here in America. With this in mind, it is not at all surprising that the governments of both Jordan and the Philippines – each having large Muslim populations -- have stood with us in our war against terrorism. Today, more than 514,000 foreign students are on U. S. campuses, and they have seen at first hand how our democracy, our open form of government and inclusive culture, have allowed us to respond to this crisis. I am quite confident that when they return to their homes, they will not forget that experience. The academic and cultural experiences had here at Georgetown will serve this nation well for years into the future.

There have been a number of legislative proposals introduced in the Congress aimed at tightening or halting altogether the issuance of student visas. Georgetown stands ready to work closely and cooperatively with the Immigration and Naturalization Service and the Department of State in carrying out the laws governing student visas. I think it is important to understand that current law requires more extensive information collection and monitoring of individuals here on student visas than any other non-immigrant category. The INS requires Georgetown and all other institutions authorized to issue I-20's to collect and maintain extensive data on non-immigrant foreign students on our campuses. We have faithfully maintained that data in our records for years. However, the INS has not asked us to share this information with them since 1988. Implementation of the electronic system known as the Student and Exchange Visitor Information System (SEVIS) would create a mechanism that would allow Georgetown and other U.S. institutions to share that information with the INS - something that we are fully prepared to do in accordance with relevant provisions of law.

We are pleased that the recently-enacted anti-terrorism legislation authorizes appropriations to bring the SEVIS system on line not later than January 1, 2003, and we hope that the INS will work closely with Georgetown and other educational institutions to ensure that it can be implemented in a way that makes sense for all concerned. Hopefully, the conference agreement on the Commerce-Justice-State Appropriations for Fiscal 2002 will appropriate those funds or the Administration will follow the advice of California Senator Dianne Feinstein and utilize for this purpose a small part of the funds previously appropriated in response to the tragic events of September 11.

Furthermore, I would urge the Congress to consider repealing the current provision of law, which calls for user fees to be charged to develop and maintain this system after it is operational. We would prefer that annual appropriations be provided for that purpose to ensure the success of the new system. As you know, the international student tracking system was first authorized in 1996 by the Illegal Immigration Reform and Immigrant Responsibility Act. However, its implementation has been delayed because proposals for collecting the fees have presented severe administrative difficulties. In one proposal for collecting the fees, the collection would have imposed an insurmountable burden on foreign students from remote areas of the world. If the user fee is not replaced with annual appropriations, I would strongly urge the Congress to direct that the State Department collect whatever fees are deemed to be necessary as part of its normal visa fee collection process.

Beyond that, I would note that Georgetown and other institutions in the higher education community have heard the concerns of those in the Congress who have proposed changes in student visa policies, and I am proud to say that constructive suggestions have been put forward which address such concerns as an interim measure until the SEVIS system is fully operational. For example, under the current system, I-20 forms are sent directly to students who take them to an embassy or consulate of the United States overseas to secure a visa. While Georgetown only issues an I-20 after a student has accepted our offer of admission (and paid the required deposit upon acceptance), many institutions provide I-20's along with their admission offers to students. This process allows those students who have applied to and been accepted at multiple institutions to receive more than one I-20. This, of course, creates the potential for a black market in I-20's. We in the higher education community have proposed that this system be changed, with two copies of the I-20 being sent directly to the embassy or consulate designated by the student. Upon issuance of the visa, the institution whose I-20 had been used to validate the visa request would receive one of those copies. We would then know to expect the student in question to register at our campus. Other unused I-20's would then be destroyed by the State Department so that they could not find their way into contraband use. This proposal has been embodied into legislation introduced in the Senate, and I hope it will be enacted.

This is just one example of our willingness to cooperate in resolving legitimate concerns with the student visa system. It can clearly be made to work better, and I reiterate Georgetown University's strong desire to work with you toward that end.

APPENDIX L - STATEMENT AND SUPPORTING DOCUMENTS SUBMITTED FOR THE RECORD BY CHAIRMAN HOWARD P. "BUCK" McKEON, SUBCOMMITTEE ON 21ST CENTURY COMPETITIVENESS, COMMITTEE ON EDUCATION AND THE WORKFORCE, U.S. HOUSE OF REPRESENTATIVES, FROM MARLENE JOHNSON, EXECUTIVE DIRECTOR AND CEO, NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS, WASHINGTON, D.C.

STATEMENT OF MARLENE M. JOHNSON
EXECUTIVE DIRECTOR AND CEO
NAFSA: ASSOCIATION OF INTERNATIONAL EDUCATORS
BEFORE THE
SUBCOMMITTEE ON SELECT EDUCATION
AND THE
SUBCOMMITTEE ON TWENTY-FIRST CENTURY COMPETITIVENESS
OCTOBER 24, 2001

Thank you for the opportunity to submit a statement for the record of this important hearing. NAFSA is the leading professional association of international educators at the post-secondary level. Our more-than 8,000 members work at more than 1,000 institutions of higher education nationwide.

NAFSA is also the leading association promoting international education as a U.S. public policy priority. Our statement, "Toward an International Education Policy for the United States," co-authored with the Alliance for International Educational and Cultural Exchange, was the basis for President Clinton's April 19, 2000, Executive Memorandum on international education policy. S. Con. Res. 7, expressing the sense of Congress that the United States should establish an international education policy, which passed the Senate unanimously on April 6 of this year, was based on our statement. A companion measure, H. Con. Res. 201, is pending before this committee and the International Relations committee.

I am submitting our international education policy statement for the record, as well as a more recent statement entitled, "Thinking Clearly about Foreign Students and Terrorism." Both of these statements respond to the subcommittees' request for analyses of the importance of foreign students to the United States. Also at the subcommittees' request, I am submitting data on foreign students compiled by the Institute of International Education.

NAFSA associates itself with the statement of the American Council on Education, to which we contributed. We appreciate the leadership of ACE and its president, David Ward, on these matters. I would like briefly to make the following additional remarks on our own behalf.

The first thing I hope the subcommittees will understand about keeping track of foreign students is that we already do--and have for decades. I am submitting for the record a document entitled, "F-1 Student Data Collection and Reporting Requirements," which shows that institutions of higher education have long been required by regulation to maintain records on foreign students that exceed the requirements of section 641 of IIRAIRA. The collection and maintenance of these records is a reflection of the longstanding partnership of international educators and the INS. The only thing that has prevented the systematic reporting of the data by schools to the INS has been the absence of the requisite reporting instruments. This will be solved by SEVIS. The image in today's press, that there are half a million foreign students running loose in the country and no one knows where they are, is a myth.

Second, the idea of electronically reporting what our schools have long kept on paper is essentially noncontroversial. Indeed, NAFSA was working with the INS on this matter before IIRAIRA was passed in 1996. The controversy over the foreign student tracking system mandated by section 641 of IIRAIRA has had to do with cost, with barriers to foreign student access to the United States, with excessive burdens on schools, and fundamentally with the inappropriate singling out of foreign students as somehow having a greater propensity than other nonimmigrant visitors to engage in acts of terrorism. Were it not for that controversy, electronic reporting of foreign student data would probably be a reality today. We are prepared to get on with it. We would welcome the opportunity to sit down

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with the INS and define a system that would satisfy the government's need to know while not creating undue burdens for students and schools.

Third, as the ACE statement notes, foreign student visa holders constitute a tiny minority of nonimmigrant visitors to the United States--less than two percent of the total. This makes it inherently impossible to address the terrorist threat by focusing on foreign students alone. No serious person would suggest monitoring the whereabouts of the tens of millions of tourists and businesspeople who visit this country annually. Yet it is suggested with a straight face that closer monitoring of the half a million who enter the country as students--who are already far more closely monitored than the others--will increase our protection against terrorism. It will not. The war against terrorism must be waged in other theaters--the military, the diplomatic, the intelligence, and homeland defense. Visa and border controls have a place in this strategy, but only if they apply to all.

Erecting barriers to foreign students will not help us--but it most definitely will hurt us. International education is not a threat to the United States; it is, on the contrary, integral to our country's ability to respond to the international challenges that we face today.

Nothing could make the importance of international education more clear than the terrible events of September 11 and their aftermath. The past few weeks have highlighted the importance of our academic centers that generate and disseminate knowledge and understanding of those parts of the world where terrorism is bred, and have demonstrated the need for people conversant in the languages of these regions.

But these past few weeks have also demonstrated something even more profound. Our country is called on in these times to unite the freedom-loving world behind a global effort to combat terrorism. If we succeed in that task, it will be in large part because of the trust and good will of dozens of world leaders who know, understand, and respect this country because they were educated here or participated in exchange programs with this country.

The United States is able to build this coalition because of wise investments in American leadership that we have made since World War II, by educating successive generations of future world leaders in the United States and by creating and funding exchange programs to bring these leaders here to know Americans and to understand our system.

Foreign students are now under siege. Many in Congress are asking if we can afford the luxury of continuing to be open to foreign students. I respectfully submit that this is the wrong question. What is being decided now is nothing less than whether or not we will make the investment in educating the next generation of world leaders--those whose support we will need for the next generation of international crises. This debate is fundamentally about America's continued capacity to lead.

There is in today's world increasingly vigorous competition for foreign students. Britain, Australia, and others--unlike the United States--have instituted proactive policies for attracting these students, and the benefits they bring, to their countries. These countries may be allied with us in the war against terrorism, but make no mistake: They stand ready to take advantage of the unwelcome climate that we threaten to create for those who wish to study here. We create such a climate at our peril. It will gain us no protection, but will cost us dearly in friendship and good will. I ask Congress to help us maintain the welcome mat for foreign students.

Thank you for the opportunity to present our views.

NAFSA
Association of
International Educators

Alliance
for International Educational and
Cultural Exchange

TOWARD AN INTERNATIONAL EDUCATION POLICY FOR THE UNITED STATES:
A White Paper for the President-elect's Transition Team

December 12, 2000

SUMMARY

In the two decades following World War II, visionary leaders understood that the challenges of the cold war required that Americans be knowledgeable about the world, and they created international education programs to endow Americans with the skills necessary to compete in that environment. Today our nation faces global challenges that, although less stark, are at least as profound. Yet our commitment as a nation to international education—that is, to imparting effective global literacy to students and other citizens as an integral part of their education—is in doubt.

The end of the cold war did not mean an end to international, civil, and ethnic conflict. The defense of U.S. interests and the effective management of global unrest in the next century will require more, not less, ability on the part of Americans to understand the world in terms other than their own.

Globalization is obliterating the distinction between foreign and domestic concerns. Most domestic problems in today's world are also international. The global economic and technology revolutions are redefining the nation's economic security and reshaping business, life, and work. The opening of global markets, the explosion of trade, the globalizing effects of Internet technology, and the need for U.S. business to compete in countries around the world require much more global content in all U.S. education, as well as more Americans with specific foreign language and country expertise.

The world is coming to us, like it or not. Immigrants are changing the face of American society. Foreign-born experts pace America's scientific leadership. The American workforce is now multicultural, and customers for American products are found everywhere the Internet goes. These realities help fuel U.S. development, but they also create new needs, both for managers who can think globally and for tolerance and cross-cultural sensitivity in our neighborhoods and workplaces.

1307 New York Ave. NW Suite 800 Washington DC 20005
http://www.nafsa.org

1776 Massachusetts Ave. NW Suite 620 Washington DC 20036
http://www.allianceexchange.org

In short, international and cross-cultural awareness and understanding on the part of U.S. citizens will be crucial to effective U.S. leadership, competitiveness, prosperity, and national security in the next century. Yet—all the laws on the books notwithstanding—the United States effectively lacks a coherent, coordinated, operational policy for educating its citizens internationally.

What is needed is a policy that promotes international education in the broadest sense, including supporting the learning of foreign languages and in-depth knowledge of other cultures by Americans, promoting study abroad by U.S. students, encouraging students from other countries to study in the United States, facilitating the exchange of scholars and of citizens at all levels of society, and supporting the educational infrastructure through which we produce international competence and research.

On April 19, 2000, President Clinton issued a memorandum to federal agencies instructing them to take certain steps to promote and facilitate international education. Under the leadership of the Departments of State and Education, a great deal of useful work has been done to implement that memorandum, including the celebration of the first "International Education Week" November 13-17, 2000, which was a resounding success on campuses and in communities across the nation. But much more can and must be done. We call upon the new administration to renew and strengthen the U.S. commitment to international education, building on the last administration's initiative.

ELEMENTS OF AN INTERNATIONAL EDUCATION POLICY

An international education policy that effectively promotes U.S. interests in the twenty-first century should do the following:

International, Foreign Language, and Area Expertise

Globalization expands the nation's need for international competence. To maintain U.S. security, well being, and global economic leadership, we need to increase the depth and variety of international expertise of Americans in government, business, education, the media, and other fields. Although the Internet dramatically increases opportunities for global collaboration, technology alone cannot substitute for the expertise developed through serious study and substantive international experience.

American foreign language skills are in critically short supply and will remain so until we take bold steps to enhance the infrastructure for teaching foreign languages in our institutions. The U.S. government requires 34,000 employees with foreign language skills, and American business increasingly needs internationally and multi-culturally experienced employees to compete in a global economy and to manage a culturally diverse workforce.

An international education policy should:

- Set an objective that international education become an integral component of U.S. undergraduate education, with every college graduate achieving proficiency in a foreign language and attaining a basic understanding of at least one world area by 2015. New technologies should be employed creatively to help achieve this objective.

- Promote cultural and foreign language study in primary and secondary education so that entering college students will have increased proficiency in these areas.

- Through graduate and professional training and research, enhance the nation's capacity to produce the international, regional, international business, and foreign-language expertise necessary for U.S. global leadership and security.

- Encourage international institutional partnerships that will facilitate internationalized curricula, collaborative research, and faculty and student mobility.

International Student Recruitment

The millions of people who have studied in the United States over the years constitute a remarkable reservoir of goodwill for our country, perhaps our most underrated foreign policy asset. To educate international students is to have an opportunity to shape the future leaders who will guide the political and economic development of their countries. Such students gain an in-depth exposure to American values and to our successful multicultural democracy, and they take those values back home to support democracy and market economies.

International students contribute significantly to national, state, and local economies; the more-than 500,000 who studied in the United States in the academic year 1999-2000 at the post-secondary level, along with their dependents, spent more than $13 billion on tuition, fees, and living expenses, making international education the fifth-largest U.S. service-sector export. For a generation, the United States could take for granted its position as the destination of choice for international students. This is no longer the case. For lack of a proactive policy for attracting such students, the United States is losing its dominance of the international student market to the United Kingdom, Canada, Australia, New Zealand, and other countries that have launched aggressive recruitment strategies. The U.S. share of the international student market has fallen nearly ten percent in two decades.

Accordingly, an international education policy should:

- Set an objective to arrest the decline in the proportion of internationally mobile students who select the United States for study at the post-secondary level and to recapture 40 percent of this market for the United States.

- Promote the study of English by international students in the United States, and promote the United States as the best global provider of English training services and materials.

- Modernize and streamline visa, taxation, and employment policies and regulations to facilitate entry into the United States for bona fide short-term and degree students and to enable these students to maximize their exposure to American society and culture through internships and employment.

Study Abroad

Although the number of American college and university students who study abroad for credit is increasing—it topped 100,000 for the first time in 1997-98—study abroad participants remain less than one percent of our roughly 15 million undergraduates, and many students still lack access to study abroad programs through their institutions. We need not only to vastly increase the numbers of U.S. students studying abroad, but also to increase the proportion studying in non-European areas of growing importance to U.S. interests, in academic and professional fields outside the liberal arts, and in languages other than English.

If American students are to be able to function effectively in the world into which they will graduate, it must become the routine—not the exception—for them to study abroad in high quality programs. For that to happen, the United States requires a policy to promote global learning—a policy that recognizes that providing Americans with opportunities to acquire the skills, attitudes, and perceptions that allow them to be globally and cross-culturally competent is central to U.S. security and economic interests in the twenty-first century.

To this end, an international education policy should:

- Set an objective that 20 percent of American students receiving college degrees will have studied abroad for credit by 2010, and 50 percent by 2040.

- Promote ethnic, socioeconomic, and gender diversity in study abroad.

- Promote the diversification of the study abroad experience, including: increased study in nontraditional locations outside the United Kingdom and Western Europe; increased study of major world languages—such as Arabic, Chinese, Japanese, Portuguese, and Russian—that are less commonly learned by Americans; and increased study of under-represented subjects such as mathematical and physical sciences and business.

- Promote the integration of study abroad into the higher-education curriculum, and increase opportunities for international internships and service learning.

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Exchanges of Citizens and Scholars

The United States benefits from a great wealth of exchange programs, some federally funded but many more funded privately. They operate at all levels, from high school to higher education to the business and professional realms. Armies of American volunteers make these programs possible, hosting visitors in their homes and serving as resources and guides to their communities. Exchange programs uniquely engage our citizenry in the pursuit of our country's global interests, and offer opportunities for substantive interaction in the broadest possible range of fields.

These exchanges also offer unparalleled opportunities for intercultural learning. Many of today's world leaders first experienced America and its values through exchange programs. But these valuable programs are hemmed in by diminished policy priority and by bureaucratically imposed regulations that make them more difficult than necessary for nongovernmental and community organizations to manage.

The international education policy should:

- Invigorate federal programs and reform regulations governing private efforts in order to promote citizen, professional, and other exchanges that bring future leaders from around the world to the United States for substantive exposure to our society, and that give future American leaders opportunities for similar experiences overseas.

- Promote the international exchange of scholars in order to enhance the global literacy of U.S. scholars, ensure that the United States builds relationships with the best scholarly talent from abroad, and strengthen the international content of American curricula.

Mobilizing the Resources

The federal government cannot do it all. Colleges, universities, and community colleges must further internationalize their curricula and campuses, and must provide enhanced global opportunities for students and faculty. Higher education institutions, state governments, private foundations, nongovernmental organizations, and the business community (which will be the primary beneficiary of a globally literate workforce) all need to accept their responsibilities, increase their support for international education, and forge creative partnerships to achieve these important national goals. But the federal role is crucial in setting a policy direction, creating a conceptual understanding within which members of the public can define their roles, and using federal resources to leverage action at other levels.

Accordingly, the policy should:

- Clearly articulate the national interest in international education and set a strong policy direction to which citizens can relate their own efforts.
- Dedicate federal resources that are appropriate for the national interests served.
- Stimulate involvement by, and leverage funding from, the states and the higher education, business, and charitable communities.

A CALL TO ACTION

To be an educated citizen today is to be able to see the world through others' eyes and to understand the international dimensions of the problems we confront as a nation—skills that are enhanced by international experience. The programs we put in place today to make international experience integral to higher education will determine if our society will have a globally literate citizenry prepared to respond to the demands of the twenty-first century.

Accordingly, we call on the President to:

- Announce the international education policy in a major address, decision memorandum, or message to Congress, and propose appropriate funding.
- Appoint a senior White House official who will be in charge of the policy and responsible for meeting its targets.
- Convene a White House summit of college and university presidents, other academic leaders, international education professionals, and NGO and business leaders to map out the specifics of the policy.
- Assign specific roles to appropriate federal agencies.
- Create an interagency working group of these agencies, chaired by the senior White House official, to ensure that policies and regulations affecting international education are consistent and coherent.
- Create an advisory commission consisting of business leaders, state-level officials, and international education professionals from institutions of higher education, exchange programs, foundations, and appropriate professional associations to offer advice and guidance on program implementation.

NAFSA
Association of
International Educators

Thinking Clearly about Foreign Students and Terrorism

October 2001

A Statement by Marlene M. Johnson
Executive Director & CEO

Reports that at least one of the terrorists responsible for the tragic events of September 11 may have entered the United States on a student visa have focused attention on foreign students, and on a foreign-student tracking system mandated by a 1996 law and currently under development by the INS.

Under the proposed system, institutions would be required to report certain information about foreign students and scholars electronically to the INS and to immediately report any changes in that information. Most of this information has long been maintained by the schools, but reporting it has not been required. The costs of the monitoring and reporting system would be covered through a fee students would pay before applying for a visa.

There has been much debate over the tracking proposal, and my organization has been its leading opponent. That debate ended on September 11, 2001. The time for debate is over, and the time to devise a considered response to terrorism has arrived. But as we proceed with that task, it is worth remembering the significant benefits that openness to foreign students and scholars brings to our nation.

Obviously, much changed on September 11. But not everything changed. The United States still needs friends in the world - now more than ever. One of the most important but least appreciated successes of American foreign policy has been the reservoir of goodwill toward our country that we have created by educating successive generations of world leaders. As the debate on foreign students proceeds, we must recognize that our country gains much from being their destination of choice.

It also remains true that 99.99 percent of the foreign students enrolled in our institutions wish us no ill, cause us no problems, and seek nothing more than the best education in the world. As the administration seeks to define an effective anti-terrorism strategy, we cannot afford to punish the many for the acts of the few.

September 11 did not change the fact that U.S. pre-eminence in science is not an accident; it is due fundamentally to our openness to scientific exchange, which has enabled us over the generations to benefit from the best scientific expertise in the world. It is very much worth preserving the freedom of foreign scholars to participate in scientific exchanges at U.S. universities and research institutes.

America's world leadership is being tested as rarely before. But how will we continue to renew our ability to lead? Another thing September 11 did not change is that we cannot effectively lead a world we do not understand. Foreign scholars who help us understand the world from whence they come do not threaten our national security; they enhance it.

1307 New York Avenue, N.W., Eighth Floor, Washington, D.C. 20005-4701
http://www.nafsa.org

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If cracking down on foreign students and scholars could really protect us against terrorism, it might be necessary to forego the benefits that they bring. But that's not the case. Foreign students and scholars constitute a tiny proportion of the 30 million foreign visitors who enter the United States annually with visas, and a minuscule proportion of the hundreds of millions who cross our borders legally each year. Whatever degree of monitoring of foreign visitors may be necessary, we cannot pretend that we protect ourselves by applying it only to this small group.

Monitoring systems will never reveal people's intentions. There is no substitute for the intelligence community being able to identify dangerous people before they get here. Absent that, we will always be blind.

The threat we face is very serious. Our nation's response must be equally so. Daunting foreign policy, military, intelligence, and security challenges confront us. The job now is to focus the nation's attention and resources on these urgent challenges. Given that foreign students are already among the most closely monitored of all nonimmigrant visitors, it is difficult not to see increased monitoring as a diversion from the task at hand.

F-1 student data collection and reporting requirements

Schools that have been designated by INS to enroll F or M students are governed by a common core record-keeping and reporting regulation, found in the Code of Federal Regulations at 8 C.F.R. § 214.3(g)(1). That section requires schools to keep specific information on each F-1 or M-1 student that enrolls at the school. What follows is a summary of those data collection and reporting requirements. These requirements have been in place for years, and preexist the data collection program envisioned by IIRIRA § 641.

What records must be kept?

The regulations require schools to maintain the following information on the F-1 students it enrolls:

(i) Name

(ii) Date and place of birth

(iii) Country of citizenship

(iv) Address

(v) Status, i.e., full-time or part-time

(vi) Date of commencement of studies

(vii) Degree program and field of study

(viii) Whether the student has been certified for practical training, and the beginning and end dates of certification

(ix) Termination date and reason, if known

(x) The documents referred to in paragraph (k) of 8 C.F.R. § 214.3 (Including the student's written application to the school, the student's transcripts or other records of courses taken, proof of financial responsibility for the student, and other supporting documents that have been received, reviewed, and evaluated at the school's location in the United States)

(xi) The number of credits completed each semester

(xii) A photocopy of the student's I-20 ID (Student) Copy (pages 3 and 4 of Form I-20)

Where must these records be kept?

The regulations do not specify in what form or where this information must be kept, and each school will keep it in a different way. Items (i) through (vii) as well as item (xi) are the kind of records kept by schools on every student it enrolls, and is most frequently

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stored in the school's student database, maintained by the Registrar. Items (viii) and (xii) are records that only apply to F-1 students; those records are generally kept in a separate student file in an institution's international office, staffed by a Designated School Official (DSO). The records in item (x) are generally found in either the files of the Admissions office; almost always, copies these records are also maintained by the international office's file on the student.

For how long must these records be kept?

The regulations require the school to keep these records, "while the student is attending the school and until the school notifies the Service, in accordance with the requirements of paragraph (g)(2) of this section, that the student is not pursuing a full course of study."

This paragraph instructs schools to retain the required records until INS requests termination of study information under the report procedures outlined at 8 C.F.R. § 214.3(g)(2). As discussed in this advisory at section 7.a below, the paragraph (g)(2) procedures have not been used by the Service since 1988. Technically, then, schools must continue to keep such records until such time as INS decides to invoke the paragraph (g)(2) procedures.

Is a school required to report any of this information to INS on a regular basis?

8 C.F.R. § 214.3(g)(2) states that..."at intervals specified by the Service but not more frequently than once a term or session, the Service's processing center shall send each school a list of all F-1 and M-1 students who, according to Service records, are attending that school." The DSO must compare that list to the actual attendance of F-1 and M-1 students, and then report back to INS.

Schools are required to report under 8 C.F.R. § 214.3(g)(2), however, only if the INS data processing center actually sends out such a report. INS used to send out Form I-721 for this purpose, but the last time INS sent out such a form or report was in the Spring of 1988.

- **214.3(g) responses to requests for information by individual INS officers or offices**

In addition to the interval reporting requirement of 8 C.F.R. § 214.3(g)(2), a designated school official (DSO) must also make the information and documents listed at 8 C.F.R. § 214.3(g)(1) "available to and furnish them to any Service officer upon request."

How must a school respond to INS requests for this information?

INS may request any or all of the information listed at 8 C.F.R. § 214.3(g)(1), on any individual student or class of students, upon notice to the school. The school must respond to such requests, and cannot insist on a subpoena. Failure to comply with the request for information, or insisting on a subpoena to release it, can be cause for withdrawal of the school's approval to enroll F-1 or M-1 students. [8 C.F.R. 214.4(a)(1)(i)]

A school has 3 working days to respond to any INS request for this information concerning an individual student, and 10 working days to respond to a request for

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information concerning a class of students (e.g. all students from a particular country). [8 C.F.R. § 214.3(g)(1)]

INS's request for information must be in writing if the school asks for a written request, but if INS seeks information on a student who is being held in custody, the school must reply orally on the same day, although the school may request INS to provide written notification that the request had been made.

How do INS requests for this information interface with FERPA?

It is generally understood that FERPA would apply even to the kind of information that the INS regulations require a school to maintain and report to INS, but that disclosures to INS of such information are generally authorized under FERPA's "student consent" exception, i.e., if a student gives written consent to a school to release FERPA-protected records, the school may do so without running afoul of FERPA.

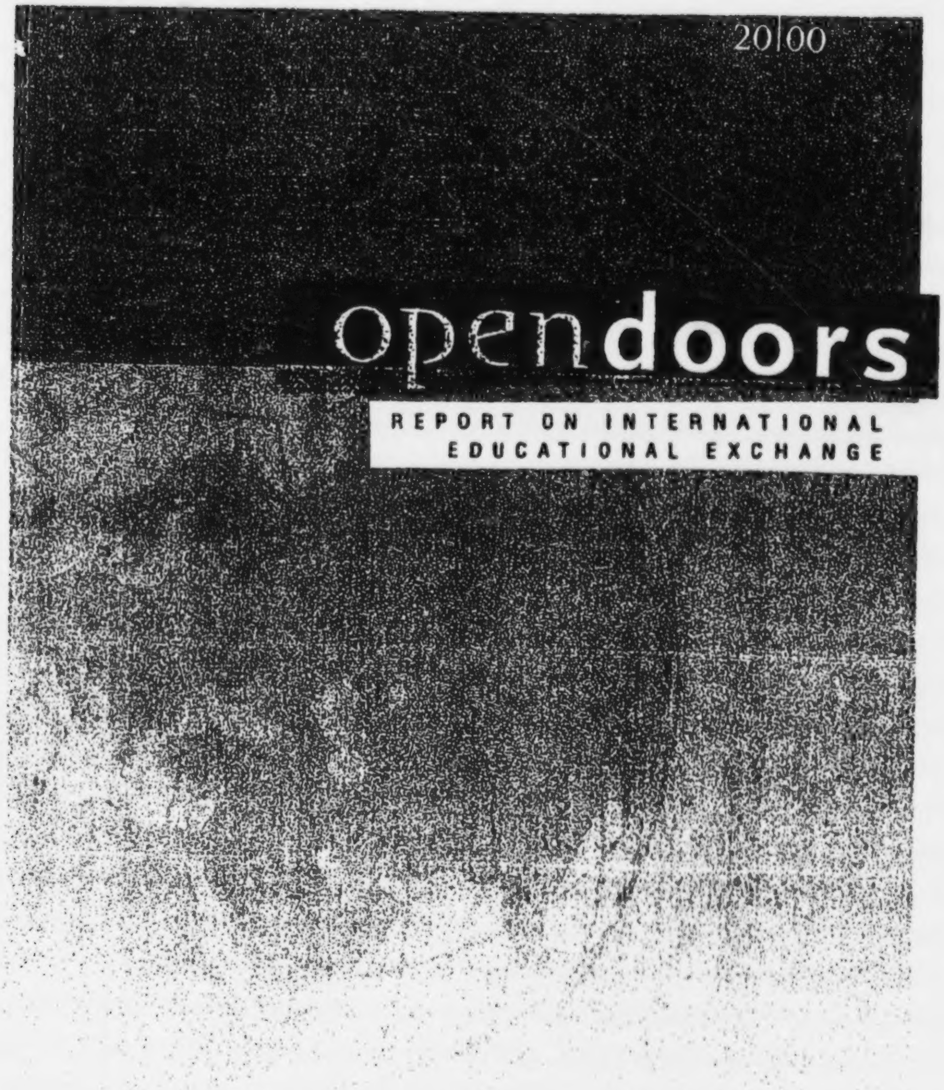
INS has long held that the student signature at item 11 of Form I-20 effectively satisfies the "consent" standards of FERPA. The consent statement is limited to the information listed at 8 C.F.R. § 214.3(g), and designate INS as the authorized receiving party. Here is the consent statement of item 11 of Form I-20:

> "Student Certification: I have read and agreed to comply with the terms and conditions of my admission and those of any extensions of stay as specified on page 2. I certify that all information provided on this form refers specifically to me and is true and correct to the best of my knowledge. I certify that I seek to enter or remain in the United States temporarily, and solely for the purpose of pursuing a full course of study at the school named on this form. I also authorize the name school to release any information from my records which is needed by INS pursuant to 8 CFR 214.3(g) to determine my nonimmigrant status."

Do schools regularly send information to INS under any other circumstances?

Yes. The standard benefits that F-1 students are eligible to receive require them either to apply to INS or to the DSO. These benefits and procedures are described in the regulations at 8 C.F.R. § 214.2(f).

Common benefits include extensions of stay, employment authorization and practical training, school transfer, change in major or level of study. The processing of these benefits is done on special INS forms which, like all such Government forms, are technically considered "information collection" instruments. Each time these benefits are processed, these "information collection" forms are sent directly to INS. The most common forms associated with these benefits are Form I-538, Form I-765, and of course Form I-20 itself. These forms request information on the student's academic status and practical training history (Form I-538), address (Forms I-765, and I-20), the level, subject, and duration of the academic program being followed (Forms I-538 and I-20) and the benefit being processed.



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REPORT ON INTERNATIONAL
EDUCATIONAL EXCHANGE

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REPORT ON INTERNATIONAL EDUCATIONAL EXCHANGE

Todd M. Davis
Institute of International Education

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OPEN DOORS is the only comprehensive information resource on over 514,000 international students in the United States and on the more than 129,000 U.S. students who studied abroad in 1999. The Institute of International Education, the largest and most experienced U.S. higher education exchange agency, has conducted an annual statistical survey of the internationally mobile student population in the United States since 1948, with U.S. government support since 1972.

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INTERNATIONAL STUDENT TOTAL ENROLLMENT

Year	Foreign Students	Annual % Change
1954/55	34,232	–
1959/60	48,486	2.6
1964/65	82,045	9.7
1969/70	134,959	11.2
1974/75	154,580	2.3
1979/80	286,343	8.5
1984/85	342,113	0.9
1985/86	343,777	0.5
1986/87	349,609	1.7
1987/88	356,187	1.9
1988/89	366,354	2.9
1989/90	386,851	5.6
1990/91	407,529	5.3
1991/92	419,585	3.0
1992/93	438,618	4.5
1993/94	449,749	2.5
1994/95	452,653	0.6
1995/96	453,787	0.3
1996/97	457,984	0.9
1997/98	481,280	5.1
1998/99	490,933	2.0
1999/00	514,723	4.8

INTERNATIONAL STUDENT TOTALS BY PLACE OF ORIGIN, 1999 - 2000

%

514,723 international students are studying in the United States, an increase of 4.8% over last year's total.

The number of international students studying in the United States grew sharply during the 1999/2000 academic year. This year's total of 514,723 represents an increase of 4.8% over last year's figure. This year's rise builds on last year's 2% increase and 1997's 5.1% jump in international enrollments. Despite the increases in foreign student numbers over the history of the census, these students' share of the overall U.S. higher education student population increased from only 1.4% in 1954/1955 to 3.8% this year. The percentages of international students at some institutions, however, and in some academic fields, especially at the graduate level, are considerable.

China's 54,466 students make up 10.5% of all international enrollments.

This year's enrollment rise reflects substantial increases from China (6.8%) and especially India (13.0%), whose enrollments grew at more than twice the overall rate. Enrollments from Mexico and Brazil also grew faster than international enrollments in general. With Korea's recovery from the Asian economic crisis of 1997, enrollments from this country have also begun to increase this year by more than 5%. Of note are the continued slump in enrollments from Indonesia (-6.9%), Thailand (-12.1%), and especially Malaysia (-21.5%). Japan's modest enrollment increase (1.0%) continues a six-year trend of minimal enrollment change. This year India surpassed Korea as the third largest country of origin for

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Place of Origin	1998/99	1999/00	Change
WORLD TOTAL	490,933	514,723	4.8
China	51,001	54,466	6.8
Japan	46,406	46,872	1.0
India	37,482	42,337	13.0
Korea, Rep. of	39,199	41,191	5.1
Taiwan	31,043	29,234	-5.8
Canada	22,746	23,544	3.5
Indonesia	12,142	11,300	-6.9
Thailand	12,489	10,983	-12.1
Mexico	9,641	10,607	10.0
Turkey	9,377	10,100	7.7
Germany	9,568	9,800	2.4
Malaysia	11,557	9,074	-21.5
Brazil	8,052	8,600	6.8
United Kingdom	7,765	7,990	2.9
Hong Kong	8,735	7,545	-13.6

international students in the United States.

Asian students constitute over half of international enrollments (54%) and Europeans are the second largest regional group with 15% of U.S. enrollments. Canada ranks sixth among the leading sending nations with over 23,000 students studying in this country. The number of Mexican students studying in the United States has also grown, making it the 9th largest sending country this year. Canada, Mexico, and Brazil collectively account for over 49% of all international student enrollments from the Western Hemisphere and 8% of all enrollments worldwide. A complete listing of the enrollment of all international students from all countries is available as either an excel (xls) sheet or as a text (txt) file. A listing of all international students by academic level and nationality is also available as either an excel (xls) sheet or as a text (txt) file.

http://www.opendoorsweb.org/Lead%20Stories/international_studs.htm

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ESTIMATED CONTRIBUTION TO STATE ECONOMIES BY INTERNATIONAL STUDENTS

State	Number of Foreign Students	Average Estimated Per Student: Tuition & Fees1	Average Estimated Living Expenses2	Estimated Contribution to Economy3
Alabama	5,441	$6,462	$14,280	$88,077,740
Alaska	392	$8,029	$19,898	$8,568,661
Arizona	9,402	$8,830	$16,768	$187,624,242
Arkansas	2,317	$7,886	$14,606	$40,612,127
California	66,305	$10,399	$21,070	$1,628,108,739
Colorado	6,461	$13,135	$17,194	$151,903,811
Connecticut	7,110	$14,962	$22,882	$209,060,421
Delaware	2,016	$11,462	$16,243	$43,349,326
District of Columbia	8,202	$17,959	$25,778	$278,480,653
Florida	24,827	$10,097	$18,616	$555,509,921
Georgia	9,801	$11,490	$18,502	$230,926,139
Guam	106	$3,958	$22,507	$2,214,842
Hawaii	5,430	$7,716	$21,620	$124,828,214
Idaho	1,271	$7,313	$12,760	$19,873,708
Illinois	22,807	$12,638	$18,824	$557,353,267
Indiana	11,654	$12,353	$17,221	$267,431,692
Iowa	7,218	$10,305	$14,928	$141,390,883
Kansas	6,053	$7,626	$14,084	$102,401,148
Kentucky	4,201	$8,422	$12,372	$67,839,330
Louisiana	6,305	$10,740	$17,220	$137,083,984
Maine	1,282	$10,299	$15,653	$25,849,145
Maryland	11,941	$10,311	$21,389	$304,482,307
Massachusetts	28,192	$19,169	$24,818	$961,112,243
Michigan	19,151	$11,719	$17,314	$431,810,757
Minnesota	7,900	$10,004	$14,725	$151,714,241
Mississippi	2,283	$5,996	$11,725	$31,274,770

International education contribut
$12.3 billion to the U.S. economy

Over two-thirds (67%) of all international students receive most their funding for U.S. study from personal and family sources, and three-quarters (74.7%) receive mos of their funding from sources outsid the United States. The most significant source of funding from within the United States for foreign students, especially international graduate students, is the institution the student attends. Colleges and universities are the primary U.S. source of funding of all international students, and provide primary fundi for 37% of international graduate students, often through research grants from federal and other sources.

The total combined foreign expenditures on tuition and cost-of-living exceeds $12.3 billion. Presented here are estimated tuitio and cost-of-living expenses for international students. These tuitio

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Missouri	9,182	$11,936	$16,517	$202,689,853
Montana	1,011	$9,034	$14,514	$18,512,507
Nebraska	3,317	$7,326	$14,318	$55,987,269
Nevada	2,450	$7,126	$17,488	$47,173,538
New Hampshire	2,066	$17,713	$20,923	$61,837,675
New Jersey	12,179	$11,251	$24,670	$341,731,937
New Mexico	1,672	$8,071	$13,761	$28,413,268
New York	55,065	$14,080	$23,317	$1,602,642,736
North Carolina	7,848	$12,665	$16,790	$179,227,812
North Dakota	979	$6,974	$11,456	$14,034,523
Ohio	16,806	$12,262	$18,384	$400,080,916
Oklahoma	8,041	$6,709	$16,086	$143,344,681
Oregon	6,404	$11,601	$16,597	$140,174,002
Pennsylvania	20,336	$16,808	$20,315	$581,389,604
Puerto Rico	621	$3,278	$14,567	$8,725,701
Rhode Island	3,176	$17,065	$21,587	$95,111,958
South Carolina	3,523	$8,528	$14,684	$63,857,880
South Dakota	700	$7,610	$11,695	$10,500,538
Tennessee	5,244	$11,633	$15,526	$110,434,875
Texas	35,860	$7,692	$15,174	$639,554,015
Utah	5,834	$5,370	$15,850	$97,076,912
Vermont	959	$15,939	$20,133	$25,800,094
Virgin Islands	149	$6,894	$18,220	$2,830,092
Virginia	11,618	$10,255	$16,861	$245,024,218
Washington	10,965	$9,789	$16,113	$223,841,530
West Virginia	2,233	$6,659	$15,642	$42,212,127
Wisconsin	7,833	$14,193	$14,323	$172,430,180
Wyoming	487	$6,282	$14,623	$7,956,639
TOTALS	514,723	$11,869	$19,077	12,309,499,489

1. 1999-2000 tuition and fees from the College Board.
2. Extrapolated from 1999-2000 room and board fees from the College Board.
3. Estimated contribution consists of the collective tuition and cost of living expenses for foreign students at colleges and universities in the state. This total is increased to account for expenses of accompanying family members and decreased by financial support from U.S. sources. Total contributions were calculated by multiplying the individual tuition and

estimates are based on cost data provided to the College Board and collected as part of the College Board's Annual Survey of Colleges 1999/2000. Cost of living expenses include books and supplies, transportation, health insurance, an other expenses. These expenses were estimated by NAFSA: Association of International Educators. NAFSA maintains detail state reports of the economic benef of international students to the Unit States. These reports are available e-mail from NAFSA at www.nafsa.org/advo/econimpact.ht

Over 80% of all international undergraduates finance their education in the United States fr personal and family sources.

Over two-thirds (67%) of all international students receive most their funding for U.S. study from personal and family sources, and three-quarters (74.7%) receive mos of their funding from sources outsid the United States. The most significant source of funding from within the United States for foreign students, especially international graduate students, is the institution

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expense estimates by the number of foreign students that were enrolled in a particular state less the proportion of student contributions from U.S. sources (25.3%)

Analysis prepared for NAFSA by Lynn Schoch and Jason Baumgartner of Indiana University.

PRIMARY SOURCE OF FUNDING FOR ALL INTERNATIONAL STUDENTS

BY ACADEMIC LEVEL, 1999/00

		% of:		
Primary Source of Funds	All Foreign students	Under-graduate	Graduate	Other
Personal & Family	67.1	80.8	47.2	65.2
U.S. College or University	18.9	8.2	37.7	5.8
Home Government/University	4.5	3.9	5.4	3.9
Foreign Private Sponsor	2.7	2.5	2.8	3.1
Private U.S. Sponsor	2.7	3.2	2.4	0.9
Current Employment	2.3	0.3	1.7	17.5
Other Sources	0.8	0.3	1.3	2.0
U.S. Government	0.6	0.6	0.6	0.3
International Organization	0.5	0.3	0.7	1.3
Total Number of Students	**514,723**	**237,211**	**218,219**	**59,283**

universities are the primary U.S. source of funding of all international students, and provide primary fundi for 37% of international graduate students, often through research grants from federal and other sources.

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INTERNATIONAL ENROLLMENTS IN THE LEADING 20 US COUNTIES, 1998/99

Rank	County	State	Number of International Students
1	Los Angeles	CA	22,509
2	New York	NY	22,052
3	Cook	IL	11,532
4	Middlesex	MA	8,890
5	District of Columbia	DC	8,646
6	Santa Clara	CA	7,468
7	Norfolk	MA	7,445
8	Harris	TX	7,288
9	San Francisco	CA	6,966
10	Dade	FL	6,671
	Total of top 10		109,467
11	Philadelphia	PA	6,578
12	King	WA	6,222
13	Suffolk	MA	5,562
14	Maricopa	AZ	5,522
15	Orange	CA	5,180
16	Honolulu	HI	5,087
17	Washtenaw	MI	5,021
18	Travis	TX	4,994
19	San Diego	CA	4,981
20	Franklin	OH	4,751

22% of international students are enrolled in institutions located in ten US counties

The degree to which international students are concentrated in the US country is quite remarkable. When looking at international enrollments by county, a small handful of major metropolitan areas attracts the bulk of international students. Over 22% of all international students are enrolled in universities and colleges located in just ten U.S. counties. These global centers of finance, information, technology, media, services, education and industry are crucial to the emerging global economy. The presence of international students in these cities reflects at least one of the means by which these cities will further extend their global reach. New York City is a leading destination for international students studying in the United States. Within the five boroughs 30,150 international students were enrolled. Among places within a 50-mile radius of midtown Manhattan almost 10% (45,713) of all international students were studying. By comparison, within 50 miles of downtown Los Angeles 28,305 students are enrolled. Enrollments within 50 miles of downtown Boston are 27,640.

http://opendoorsweb.org/Lead%20Stories/counties.htm

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When examined by Carnegie Classification, most international students are enrolled in Research I universities, Master's I institutions, and Community Colleges. In fact, the 342,986 students enrolled in these institutional types constitute 66.6% of all U.S. international enrollments. While the relatively small number of Research I institutions host the largest single share of international students studying in the United States, this country has a major resource in its number and variety of post-secondary institutions. Over 2,500 U.S. institutions host international students, meeting the diverse needs of this varied population. The international presence varies widely from institution to institution. New York University is the largest host institution, enrolling more than 4,800 international students. With some exceptions the leading institutions tend to be located in major metropolitan areas.

Following are tables with the leading 40 Research, Doctoral, Master's, Baccalaureate, Associate, and Specialized institutions.

FOREIGN STUDENTS BY INSTITUTIONAL TYPE: TOP 40 RESEARCH INSTITUTIONS, 1999/00

Rank	Institution	City	State	Total Foreign Students	Total Enrollment
1	New York University	New York	NY	4,890	37,077
2	University of Southern California	Los Angeles	CA	4,564	28,906
3	Columbia University	New York	NY	4,532	21,453
4	University of Wisconsin- Madison	Madison	WI	4,154	41,089
5	Purdue University Main Campus	West Lafayette	IN	4,133	38,878
6	Boston University	Boston	MA	4,126	28,493
7	University of Michigan- Ann Arbor	Ann Arbor	MI	4,101	37,828
8	University of Texas at Austin	Austin	TX	3,992	48,906
9	Ohio State University Main Campus	Columbus	OH	3,880	48,003
10	University of Illinois Urbana- Champaign	Champaign	IL	3,454	36,690
11	Harvard University	Cambridge	MA	3,413	17,315
12	University of Maryland College Park	College Park	MD	3,233	32,864
13	University of Pennsylvania	Philadelphia	PA	3,215	17,982
14	Texas A&M University	College Station	TX	3,174	44,941
15	Indiana University at Bloomington	Bloomington	IN	3,115	36,201
16	University of Minnesota- Twin Cities	Minneapolis	MN	3,061	39,595
17	Cornell University	Ithaca	NY	2,941	19,021
18	University of Houston	Houston	TX	2,902	30,774
19	Pennsylvania State Univ Univ Park Campus	University Park	PA	2,850	40,658
20	Arizona State University Main	Tempe	AZ	2,775	44,215
21	Michigan State University	East Lansing	MI	2,748	43,038
22	S U N Y at Buffalo	Buffalo	NY	2,693	24,257
23	Stanford University	Stanford	CA	2,663	18,392
24	University of Florida	Gainesville	FL	2,642	43,288
25	Rutgers University - New Brunswick	New Brunswick	NJ	2,595	35,000
26	University of Illinois at Chicago	Chicago	IL	2,558	25,000
27	Northeastern University	Boston	MA	2,544	25,940

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28	University of California, Berkeley	Berkeley	CA	2,504	31,980
29	Iowa State Univ of Science & Technology	Ames	IA	2,441	26,110
30	University of Arizona	Tucson	AZ	2,434	34,300
31	Massachusetts Institute of Technology	Cambridge	MA	2,386	9,972
32	University of Washington	Seattle	WA	2,344	36,889
33	Wayne State University	Detroit	MI	2,289	35,319
34	George Washington University	Washington	DC	2,226	20,346
35	University of California, Los Angeles	Los Angeles	CA	2,000	35,796
36	Syracuse University	Syracuse	NY	1,929	20,266
37	Carnegie Mellon University	Pittsburgh	PA	1,926	8,310
38	Brigham Young University	Provo	UT	1,915	40,119
39	Oklahoma State University Main Campus	Stillwater	OK	1,858	19,724
40	Louisiana State University & A& M College	Baton Rouge	LA	1,853	29,881

FOREIGN STUDENTS BY INSTITUTIONAL TYPE: TOP 40 DOCTORAL INSTITUTIONS, 1999/00

Rank	Institution	City	State	Total Foreign Students	Total Enrollment
1	Florida International University	Miami	FL	2,944	30,527
2	University of North Texas	Denton	TX	1,736	26,493
3	American University	Washington	DC	1,711	10,949
4	New School University	New York	NY	1,648	7,692
5	Drexel University	Philadelphia	PA	1,605	11,617
6	Illinois Institute of Technology	Chicago	IL	1,541	6,062
7	George Mason University	Fairfax	VA	1,535	24,180
8	Western Michigan University	Kalamazoo	MI	1,502	27,213
9	University of Texas at Arlington	Arlington	TX	1,453	18,662
10	Florida Atlantic University	Boca Raton	FL	1,449	20,313
11	New Jersey Institute of Technology	Newark	NJ	1,355	8,191
12	The University of Texas at Dallas	Richardson	TX	1,350	9,518
13	University of Toledo	Toledo	OH	1,313	20,782
14	University of Central Florida	Orlando	FL	1,313	31,247
15	Wichita State University	Wichita	KS	1,163	14,773
16	Georgia State University	Atlanta	GA	1,160	23,492
17	Old Dominion University	Norfolk	VA	1,126	18,879
18	Nova Southeastern University	Fort Lauderdale	FL	1,000	16,050
19	University of Denver	Denver	CO	918	9,188
20	SUNY at Binghamton	Binghamton	NY	890	12,564
21	University of Alabama	Tuscaloosa	AL	855	18,476
22	San Diego State University	San Diego	CA	840	30,582
23	University of Akron Main Campus	Akron	OH	832	23,204
24	Florida Institute of Technology	Melbourne	FL	828	4,178
25	Pace University	New York	NY	816	12,374
26	DePaul University	Chicago	IL	808	19,549
27	Colorado School of Mines	Golden	CO	800	3,200

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28	Rutgers, Campus at Newark	Newark	NJ	787	9,326
29	Portland State University	Portland	OR	782	16,041
30	Boston College	Chestnut Hill	MA	774	14,696
31	St. John's University	Jamaica	NY	756	18,338
32	Graduate School & University Center C U N Y	New York	NY	742	3,718
33	University of Missouri- Kansas City	Kansas City	MO	742	11,517
34	University of Nevada, Reno	Reno	NV	711	12,500
35	University of New Orleans	New Orleans	LA	699	15,868
36	Southern Methodist University	Dallas	TX	689	10,361
37	Cleveland State University	Cleveland	OH	680	16,326
38	University of Maryland Baltimore County	Baltimore	MD	669	10,265
39	University of San Francisco	San Francisco	CA	656	7,383
40	Indiana U- Purdue U at Indianapolis	Indianapolis	IN	655	27,587

FOREIGN STUDENTS BY INSTITUTIONAL TYPE: TOP 40 MASTER'S INSTITUTIONS, 1999/00

Rank	Institution	City	State	Total Foreign Students	Total Enrollment
1	Baruch College C U N Y	New York	NY	2,899	14,981
2	Hawaii Pacific University	Honolulu	HI	2,255	8,084
3	San Francisco State University	San Francisco	CA	2,146	27,690
4	University of Texas at El Paso	El Paso	TX	1,649	14,695
5	California State University, Long Beach	Long Beach	CA	1,587	30,001
6	University of Central Oklahoma	Edmond	OK	1,534	14,323
7	City College CUNY	New York	NY	1,436	12,181
8	University of Bridgeport	Bridgeport	CT	1,400	2,686
9	San Jose State University	San Jose	CA	1,324	26,263
10	California State University, Fullerton	Fullerton	CA	1,237	25,675
11	California State Polytechnic Univ/ Pomona	Pomona	CA	1,190	18,021
12	Eastern Michigan University	Ypsilanti	MI	1,158	22,956
13	Rochester Institute of Technology	Rochester	NY	1,099	14,151
14	NY Institute Technology Main Campus	Old Westbury	NY	1,036	8,725
15	University of Nevada, Las Vegas	Las Vegas	NV	1,035	21,312
16	Oklahoma City University	Oklahoma City	OK	1,007	4,143
17	Brooklyn College CUNY	Brooklyn	NY	976	14,973
18	California State University, Northridge	Northridge	CA	968	27,947
19	Golden Gate University	San Francisco	CA	962	5,500
20	University of Massachusetts at Boston	Boston	MA	912	13,000
21	Fairleigh Dickinson U/Teaneck- Hackensack	Teaneck	NJ	890	9,068
22	Montclair State University	Upper Montclair	NJ	792	13,285
23	Embry- Riddle Aeronautical University	Daytona Beach	FL	792	4,699
24	Suffolk University	Boston	MA	777	6,445
25	California State University, Los Angeles	Los Angeles	CA	750	19,732
26	University of North Carolina Charlotte	Charlotte	NC	734	16,600
27	St. Cloud State University	Saint Cloud	MN	705	14,807
28	Towson University	Towson	MD	699	15,923

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29	D' Youville College	Buffalo	NY	690	1,901
30	Queens College CUNY	Flushing	NY	663	16,630
31	University of South Alabama	Mobile	AL	654	11,185
32	Minnesota State University, Mankato	Mankato	MN	626	11,799
33	Southwest Missouri State University	Springfield	MO	578	16,794
34	College of Staten Island C U N Y	Staten Island	NY	571	11,369
35	California State University, Fresno	Fresno	CA	571	18,322
36	California State University, Sacramento	Sacramento	CA	568	24,530
37	Hunter College CUNY	New York	NY	540	23,000
38	California State University, Hayward	Hayward	CA	538	12,888
39	University of Houston- Clear Lake	Houston	TX	504	7,114
40	University of Nebraska at Omaha	Omaha	NE	500	13,274

FOREIGN STUDENTS BY INSTITUTIONAL TYPE: TOP 40 BACCALAUREATE INSTITUTIONS, 1999/00

Rank	Institution	City	State	Total Foreign Students	Total Enrollment
1	Brigham Young University- Hawaii Campus	Laie Oahu	HI	831	2,278
2	York College CUNY	Jamaica	NY	566	5,649
3	University of Dallas	Irving	TX	500	3,086
4	Columbia College	Chicago	IL	320	8,843
5	University of Findlay	Findlay	OH	297	4,397
6	University of Houston- Downtown	Houston	TX	297	8,662
7	Mount Holyoke College	South Hadley	MA	278	1,904
8	Metropolitan State University	Saint Paul	MN	248	4,894
9	University of Maine at Fort Kent	Fort Kent	ME	245	827
10	University of Southern Colorado	Pueblo	CO	243	4,165
11	Pennsylvania State U Commonwealth Campuses	University Park	PA	240	40,215
12	Lock Haven University of Pennsylvania	Lock Haven	PA	238	3,522
13	Wesleyan University	Middletown	CT	225	3,204
14	Oakwood College	Huntsville	AL	217	1,805
15	Ohio Wesleyan University	Delaware	OH	215	1,842
16	Salem- Teikyo University	Salem	WV	212	687
17	University of Hawaii at Hilo	Hilo	HI	211	2,700
18	Metropolitan State College of Denver	Denver	CO	206	17,000
19	Macalester College	Saint Paul	MN	203	1,773
20	Oberlin College	Oberlin	OH	201	2,916
21	Mount Ida College	Newton Centre	MA	200	1,476
22	Eckerd College	St Petersburg	FL	196	1,537
23	Ramapo College of New Jersey	Mahwah	NJ	193	4,868
24	Lawrence Technological University	Southfield	MI	192	4,265
25	Smith College	Northampton	MA	180	2,500
26	Teikyo Loretto Heights University	Denver	CO	177	183
27	Marymount Manhattan College	New York	NY	174	2,470

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28	Mercy College	Dobbs Ferry	NY	173	10,000
29	Willamette University	Salem	OR	173	2,363
30	Lewis & Clark College	Portland	OR	171	2,831
31	Purchase College, SUNY	Purchase	NY	168	3,095
32	Columbia College	Columbia	MO	168	8,002
33	Middlebury College	Middlebury	VT	165	2,270
34	Medgar Evers College CUNY	Brooklyn	NY	165	5,000
35	Dordt College	Sioux Center	IA	161	1,430
36	Morehouse College	Atlanta	GA	161	3,009
37	Beloit College	Beloit	WI	159	1,128
38	St. Francis College	Brooklyn	NY	152	2,448
39	University of Maine at Presque Isle	Presque Isle	ME	150	1,344
40	Wellesley College	Wellesley	MA	148	2,333

FOREIGN STUDENTS BY INSTITUTIONAL TYPE: TOP 40 ASSOCIATE INSTITUTIONS, 1999/00

Rank	Institution	City	State	Total Foreign Students	Total Enrollment
1	Northern Virginia Community College	Annandale	VA	2,984	37,411
2	Montgomery College	Rockville	MD	2,748	20,847
3	Santa Monica College	Santa Monica	CA	2,702	25,921
4	Houston Community College System	Houston	TX	2,486	51,464
5	Miami - Dade Community College	Miami	FL	1,401	59,807
6	City College of San Francisco	San Francisco	CA	1,325	90,000
7	CUNY Borough of Manhattan Community College	New York	NY	1,222	16,022
8	Orange Coast College	Costa Mesa	CA	1,118	22,703
9	Moraine Valley Community College	Palos Hills	IL	1,114	14,414
10	Pasadena City College	Pasadena	CA	1,067	22,967
11	St. Petersburg Junior College	St Petersburg	FL	1,024	56,370
12	Foothill College	Los Altos Hills	CA	1,021	21,745
13	Broward Community College	Fort Lauderdale	FL	986	24,881
14	CUNY La Guardia Community College	Long Island City	NY	953	11,139
15	Richland College	Dallas	TX	793	12,110
16	Pima Community College District	Tucson	AZ	787	28,316
17	Edmonds Community College	Lynnwood	WA	753	10,649
18	Los Angeles City College	Los Angeles	CA	740	14,000
19	Nassau Community College	Garden City	NY	732	20,248
20	Grossmont College	El Cajon	CA	711	15,995
21	De Anza College	Cupertino	CA	700	24,775
22	El Camino College	Torrance	CA	653	23,000
23	Bellevue Community College	Bellevue	WA	642	91,400

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24	Valencia Community College	Orlando	FL	629	25,024
25	Seattle Central Community College	Seattle	WA	628	10,304
26	Mesa Community College	Mesa	AZ	620	22,865
27	Peralta Community College District	Oakland	CA	600	.
28	Georgia Perimeter College	Clarkston	GA	587	14,091
29	Diablo Valley College	Pleasant Hill	CA	584	24,000
30	Rancho Santiago C. C. Dist. Santa Ana College	Santa Ana	CA	574	25,968
31	Austin Community College	Austin	TX	567	26,884
32	Quincy College	Quincy	MA	536	4,860
33	Glendale Community College	Glendale	CA	534	15,030
34	Oakland Community College	Farmington Hills	MI	510	24,445
35	Norwalk Community - Technical College	Norwalk	CT	500	5,025
36	North Lake College	Irving	TX	498	7,850
37	East Los Angeles College	Monterey Park	CA	477	16,692
38	Essex County College	Newark	NJ	478	8,353
39	CUNY Kingsborough Community College	Brooklyn	NY	469	15,501
40	El Paso Community College	El Paso	TX	458	20,744

FOREIGN STUDENTS BY INSTITUTIONAL TYPE: TOP 40 PROFESSIONAL & SPECIALIZED INSTITUTIONS, 1999/00

Rank	Institution	City	State	Total Foreign Students	Total Enrollment
1	Academy of Art College	San Francisco	CA	1,595	5,424
2	Johnson & Wales University	Providence	RI	1,119	12,338
3	Berklee College of Music	Boston	MA	1,058	3,012
4	Fashion Institute of Technology	New York	NY	1,016	7,186
5	Pratt Institute	Brooklyn	NY	950	4,142
6	American Graduate School Intl Management	Glendale	AZ	775	1,492
7	New Hampshire College	Manchester	NH	730	5,594
8	Bentley College	Waltham	MA	640	5,776
9	Babson College	Babson Park	MA	565	3,431
10	Southern Polytechnic State University	Marietta	GA	542	3,631
11	Savannah College of Art and Design	Savannah	GA	487	4,431
12	Southeastern University	Washington	DC	455	1,011
13	School of Visual Arts	New York	NY	450	5,323
14	Lynn University	Boca Raton	FL	445	1,778
15	Life University - Chiropractic College	Marietta	GA	443	3,851
16	Franklin University	Columbus	OH	432	4,473
17	Art Center College of Design	Pasadena	CA	405	1,445
18	Northwood University	Midland	MI	399	2,960
19	University of Baltimore	Baltimore	MD	335	4,611
20	Monterey Institute International Studies	Monterey	CA	334	769
21	Manhattan School of Music	New York	NY	319	818

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22	Rhode Island School of Design	Providence	RI	306	2,11
23	Fuller Theological Seminary	Pasadena	CA	286	1,63
24	Goldey-Beacom College	Wilmington	DE	280	1,43
25	Johns Hopkins University SAIS	Washington	DC	274	54
26	Wentworth Institute of Technology	Boston	MA	265	2,66
27	School of the Art Institute of Chicago	Chicago	IL	259	2,11
28	Naval Postgraduate School	Monterey	CA	251	1,30
29	New England Conservatory of Music	Boston	MA	250	80
30	U. of Texas Health Science Ctr. Houston	Houston	TX	242	3,14
31	San Francisco Theological Seminary	San Anselmo	CA	235	681
32	The Juilliard School	New York	NY	232	79
33	Palmer College of Chiropractic	Davenport	IA	209	1,66
34	University of Maryland at Baltimore	Baltimore	MD	208	206
35	Southwestern Baptist Theological Seminary	Fort Worth	TX	198	3,213
36	University of Tennessee, Memphis	Memphis	TN	198	2,118
37	Johns Hopkins U. Peabody Conservatory Music	Baltimore	MD	197	714
38	Tufts U. - Fletcher School of Law & Diplomacy	medford	MA	197	328
39	Massachusetts C. Pharmacy & Allied Health Sci.	Boston	MA	183	1,742
40	American InterContinental University	Atlanta	GA	175	1,100

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APPENDIX M - WRITTEN STATEMENT OF DAVID WARD, PRESIDENT, AMERICAN COUNCIL ON EDUCATION, WASHINGTON, D.C.

TESTIMONY OF

DR. DAVID WARD

PRESIDENT
AMERICAN COUNCIL ON EDUCATION

BEFORE THE

COMMITTEE ON EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEES ON 21ST CENTURY COMPETITIVENESS AND
SELECT EDUCATION

WEDNESDAY, OCTOBER 31, 2001

IN REGARD TO:

"TRACKING INTERNATIONAL STUDENTS IN HIGHER EDUCATION -
POLICY OPTIONS AND IMPLICATIONS FOR STUDENTS"

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Testimony of Dr. David Ward
President, American Council on Education
Before the House Committee on Education and the Workforce
Subcommittees on 21st Century Competitiveness and Select Education
October 31, 2001

My name is David Ward and I am president of the American Council on Education (ACE), an association representing 1,800 public and private colleges and universities. I am speaking today on behalf of 39 higher education organizations, more than 6,800 colleges, and the 15 million students enrolled on our campuses.

The recent terrorist attacks on the United States have prompted a complete review of a wide range of government and institutional activities. This effort quite properly includes questions about international students who come to this country on student visas to study at our colleges. At present, it appears that one or two of the September 11th terrorists may have entered the United States on a student visa. This only underscores the urgent need for an extensive review of the policies and procedures affecting the issuance and tracking of student visas.

I am pleased that this Committee is conducting this hearing. In addition to its general oversight responsibilities for higher education, the Education and the Workforce Committee has a role to play because Title VI of the Higher Education Act authorizes ten programs involving international education. For years, these programs have supplied the nation with experts and expertise about other nations, their cultures, political and business systems, histories, and their languages. We are pleased that the House passed Labor-HHS-Education bill for FY 2002 includes a significant increase in funding for these programs. That is an important step in addressing important national needs in this field.

This Committee has shown strong support for these programs in the past. I believe that recent developments only underscore the importance of training specialists in foreign languages and cultures who can provide help to the government, the private sector, and the media and who can communicate across cultures on our behalf.

Testimony of Dr. David Ward
President, American Council on Education
Before the House Committee on Education and the Workforce
Subcommittees on 21^{st} Century Competitiveness and Select Education
October 31, 2001

In my testimony today, I hope to do three things. First, to provide some idea about the number of international students who study at American colleges and to describe the process by which they are granted a visa to come here. Second, I will outline a number of changes to tighten the student visa process in a way that will address specific problems without making it impossible for foreign students to enroll at American institutions. And finally, I will discuss some of the broader issues – such as the need to increase the level and amount of international expertise and foreign language competence – that our nation urgently needs to address.

I am particularly interested in issues related to international education for both personal and professional reasons. Before I assumed the presidency of the American Council on Education last month, I was Chancellor of the University of Wisconsin, Madison for eight years and a faculty member at that same institution for 25 years before that. As one of the nation's leading research universities, UW Madison always had a large number of international students, in recent years often more than 4,000 in one academic year. Without exception, I found them to be diligent and hard working individuals who contributed significantly to the academic and social life of the campus. They also brought an important element of diversity to our institution and helped expose American-born students to the world that they would encounter after graduating from college.

In addition, I have a deeply personal interest in this issue. I first came to the United States on a student visa in 1960 to earn a Ph.D. in geography at Wisconsin. At the conclusion of my Ph.D. program, the University informed the Immigration and Naturalization Service that I had graduated and I received a letter from the INS giving me thirty days to leave the United States in accordance with the terms of my visa. After

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living abroad for three years (again, consistent with the terms of my visa), I returned as an immigrant and became a citizen in 1976.

These experiences have given me a unique vantage point to appreciate the benefits that accrue to international students, American students, and the university community when we invite them to study at our institutions.

It goes almost without saying the entire nation benefits from international education. For example, the enormous advances in computational sciences in the 1980s that helped fuel the American economic boom in the 1990s would not have occurred without the student and faculty exchange programs that brought so many talented people to this country. The current revolution in biomedical research that has laid the groundwork for enormous advances in the quality of life in the years ahead is also benefiting from an influx of exceptionally able foreign students and scholars.

But it is not just the discoveries and the sharing of scientific knowledge that is significant. Equally important, I believe, is the formation of working relationships. Science is increasingly a collaborative endeavor and the establishment of personal and professional relationships that international education fosters will pay dividends throughout the professional careers of all who are involved in it.

More generally, the chance to study at an American college is often a life-altering experience for those who have the opportunity. Many individuals who do so – such as Mexican President Vincente Fox, United Nations Secretary General (and Nobel Peace Prize winner) Kofi Annan, former Israeli Prime Minister Golda Meir, and Jordan's King Abdullah – make an impact in their home countries and throughout the world. But even those who do not assume such exalted positions leave with a deep appreciation for the people of the United States and for the benefits of personal freedom, market economics, and democracy.

The benefits of having international students enrolled at American colleges accrue to native born students as well. For many young people, the first opportunity to have a sustained relationship with an individual who was born outside the United States occurs when they enroll in higher education. As the world becomes increasingly interconnected, that contact with the broader world is an important factor in the intellectual and social development of young adults.

The Number of International Students. Let me put the number of international students in perspective. In 1999, 31.4 million individuals were admitted to the US with some type of visa. Of that total, 570,000 were admitted on student visas. 560,000 of the student visas were for academic study (known as "F" visas), and roughly 10,000 were for vocational training (or "M" visas). This means that international students accounted for less than 2 percent of the total visitors with visas in that year. In addition, 275,000 visas ("J" visas) were issued to scholars and researchers who visited the United States to conduct research or to further their education. Many – though by no means all – of the individuals who received a "J" visa are based at colleges and universities.

These numbers illustrate that while the number of international students is large, it is a small proportion of the total number of visas that are issued. It is important to see student visas as but one part of a much larger picture.

Admission of International Students to the United States. Let there be no doubt about our position: the federal government has the right and responsibility to protect the safety and security of the United States by deciding who should receive a visa – any type of visa – to visit this country. For the reasons noted above, we favor having as many international students enrolled at American colleges as possible. However, we do not want to enroll any student that the federal government believes poses a security risk.

Colleges that admit and enroll international students have an obligation and a responsibility to work cooperatively with the federal government in keeping track of those students. As I will describe below, we have done this for decades and take that obligation seriously.

The process for determining whether an international student gets a visa is straightforward. An international student who has been admitted to an American college receives an I-20 form from the admitting institution. The student takes this form to an American embassy or consulate overseas and applies for a visa. State Department officials review the visa application, conduct background checks, and in many cases, interview potential visa recipients before making a decision.

Without the I-20 form, no visa can be granted. However, having an I-20 does not guarantee that a student will receive a visa. State Department officials in US embassies and consulates overseas have total and complete discretion to award or deny student visas. The primary consideration in the award of a student visa is generally whether the responsible consular official believes that the student is likely to return to the home country at the completion of the educational program.

Student visa denials can be commonplace. This year, for example, even before the tragic events of September 11th, the percentage of student visas denied by the US embassy in China increased from 18 percent of the total in 2000 to 40 percent in 2001.

In light of recent events, I assume that the worldwide visa denial rate will increase in the months ahead. While we are understandably disappointed when visas are denied, the decision is totally in the hands of the consular officials and we would not purport to suggest contrary judgments.

In addition, the State Department maintains a "Technology Watch List." Students who indicate that they wish to study in a field that is on the Watch List – for example nuclear engineering – are subject to particularly careful scrutiny before a visa is granted.

In recent years the number of visa requests has grown dramatically but the number of consular officials has not changed significantly. This means that the amount of time that consular officials can spend with each visa applicant has decreased. My personal experience may be instructive. When I was interviewed at the US embassy in London in 1960, my interview lasted 15 minutes. Today, overworked consular officials generally devote less than two minutes to each interview.

This is hardly sufficient time to make fail-safe decisions about the granting of a visa. For this reason, we believe that the number and size of US consular offices overseas should be increased sharply to permit more extensive background checks and more extensive interviews. No visa decision – a denial or an approval – should be made without adequate time for a thorough review.

Once an international student receives a visa and enrolls, colleges must collect and maintain a significant amount of information about the student. Upon request, we must provide this information to the INS. Sometimes the request comes in writing and other times it is made verbally. In some cases we are asked to provide information about a single student and in other cases we may be asked to supply information on a broader group of students – for example, all those who are studying chemistry. As part of their visa agreement, students agree to provide information to the institution that may affect their visa status. The information that they provide and that we maintain includes the following: name; address; date and place of birth; application materials, including the completed application form; date studies began; enrollment status (full- or part-time); field of study and degree program; and expected termination date. In addition, we maintain financial information about international students. Because we collect and keep so much data, the federal government has more extensive information available to it about international student and exchange visitors than it does about any other class of visa recipient.

Colleges used to provide this information to the INS. However, since the agency had no way to compile and store this information, it found itself drowning in unused and unusable data. As a result, in 1988, INS told colleges to keep collecting the information and to provide it upon request but dropped the requirement that we share data with them on a regular basis. That arrangement has continued until the present time.

After the first attack on the World Trade Center in 1993, Congress instructed the INS to develop an electronic database to facilitate the rapid sharing of information about international students. In response, INS began to develop the Coordinated Interagency Partnership Regulating International Students, commonly known as CIPRIS. Under this system, colleges are to notify the INS of an event that may change the status of an international student. (For example, if a student fails to enroll or re-enroll, changes majors, drops below full-time status, graduates, or applies for a work permit, colleges would have 24 hours to notify the INS.) With this information, INS could take appropriate action with respect to a student's eligibility to remain in the United States. This tracking system is now known as the Student and Exchange Visitor and Information System (SEVIS). It is now being tested in several regions on the country.

ACE and most other higher education associations have never opposed the idea behind SEVIS - an electronic exchange of information with the federal government regarding international students - and some 20 campuses have participated in a pilot test of the system. Indeed, we already collect and maintain most of the required information. However, we have repeatedly expressed our conviction that SEVIS should be designed in a way that it does not itself become a barrier to the enrollment of international students in American colleges. Regrettably, INS has never been sensitive to these concerns and we have been forced to turn to Congress to get straightforward administrative matters resolved. The result of this clumsy implementation is that SEVIS is overbudget and behind schedule.

We believe that prompt implementation of this database is the most important step the federal government can take to improve the timeliness of the information that it has about international students and exchange. Senators Feinstein, Kennedy, Brownback and others have recommended that the federal government provide the remainder of the funds needed to finish development and implementation of this database. We strongly support this recommendation.

The long-term funding of SEVIS - the annual operating costs after development - also needs to be addressed. Because the program is addressing a national priority - reduction of the risk of terrorism - we think that the annual operating funds ought to be provided through an annual appropriation to the Immigration and Naturalization Service (INS) rather than by imposing a fee on students as the law currently envisions.

However, if the student fee model is to be maintained, it is important to have an effective and efficient means to collect the fee. Therefore, we suggest that any fee be collected by the State Department at the same time that the student pays the fee currently required to obtain a visa. The State Department is equipped to receive money in foreign countries (unlike the INS and colleges) and visa recipients already pay a fee before they receive their visa. We recommend that a higher fee be set for visa recipients who will be included in the SEVIS database ("F," "J," and "M" visas) and that a single combined payment be made to the local embassy or consulate. Students should be registered in SEVIS when the fee is paid. This approach would be the simplest administratively and would get the student registered in the database before they leave their home country. INS and the colleges would know to expect the student and INS could double-check the student's registration when the visitor arrives in the US. Colleges would be alerted to expect the student and would promptly notify INS if the student did not arrive on campus soon after entering the US.

In addition to providing the funds necessary to complete the development and implementation of this database, we recommend that the several additional steps be taken. These include:

- Requiring INS to develop a timeline with interim deadlines for the implementation of the SEVIS system. This will allow Congress, colleges and the public to monitor the progress that INS makes in implementing this system. If delays occur, prompt corrective action can be taken. Moreover, publishing a timeline with interim deadlines will enable all parties to determine if the assumptions being made by INS about implementation activities outside the agency's control - such as the amount of time being allowed to modify campus information systems - is adequate.

- Requiring INS to provide each college with a list of student or exchange visitor visa holders who entered the country on the relevant Department of State form (I-20 or IAP 66) issued by that institution and requiring that each college promptly confirm that the students and/or exchange visitors have arrived on campus.
- Requiring designated school officials to comply with any revised responsibilities imposed by INS or lose authority to issue I-20s.

- Taking special precautions (more extensive background checks, delayed issuance of visas, etc.) with respect to student and other visas applicants from countries on the State Department's watch list of states supporting terrorism.

As noted above, while some legislative provisions dealing with student visas may be desirable, it is important to see student visas as a relatively small subset of all classes of visa. We believe that several changes that would affect all visa holders are worth considering. For example, S. 1518, introduced by Senator Bond, calls for the immediate establishment of the Integrated Entry and Exit Data System Task Force as authorized by the Immigration and Naturalization Service Data Management Improvement Act of 2000. We think that this entry-exit tracking system - which would be integrated with state and federal law enforcement databases - would be valuable in helping monitor all visa recipients.

In many ways, the most important step to improve the issuance of visas is simply to increase funding for consular affairs activities at US embassies abroad. These funds would be used to hire additional staff, increase the number and frequency of background checks on all visa applicants, and improve facilities. Currently, these offices are overworked and under-funded and they clearly need more resources. Not only is this step crucial, it is easily accomplished.

Reducing the possibility that a student could receive more than one I-20. Like many American students, international students often apply to multiple colleges. Since many schools issue an I-20 when they send a letter of admission to the student, it is possible for one international student to receive multiple I-20s at the same time. Of course, only one I-20 is needed to obtain a student visa. However, unused I-20s could easily be sold in the black market or given to others and used in a fraudulent effort to gain entry to the United States. To reduce this possibility, some observers have suggested eliminating the possibility that an individual might receive multiple I-20s.

We believe that the best way to accomplish this goal is to stop giving I-20s directly to students. Therefore, when a student is accepted, we propose to send the I-20 to a US embassy or consulate identified by the potential student. As under current practice, the student would go to the appropriate embassy or consulate to apply for a visa and a visa would only be issued if a valid I-20 were on hand. Multiple I-20s issued on behalf of the same student would be destroyed by the embassy.

If a visa is issued, the embassy or consulate would return a copy of the I-20 to the sending institution to alert the college to expect the student. Such a step would provide an excellent mechanism to help schools and the INS identify the small number of students who receive a visa but who fail to enroll.

To facilitate this process, we recommend that each American embassy or consulate be asked to identify a "Student and Exchange Visitor Coordinator." The name and address information for this individual (including the APO/FPO address) should be posted on the State Department Web page to permit schools with questions about specific visas to contact the appropriate person directly.

Ensure that the national need for international experts and expertise is readily addressed. In addition to tightening the system by which visas are issued, we recommend that Congress ensure that our educational system continues to train the international experts and has the knowledge base necessary to meet our country's needs related to national security, foreign policy, and economic competitiveness. At present, the quantity, level of expertise, and availability of trained personnel do not meet national strategic needs at home or abroad.

America has faced this challenge before. During the Cold War, higher education responded to the nation's needs for foreign languages and international expertise thanks to modest incentives in the National Defense Education Act, the Mutual Educational and Cultural Exchange Act (Fulbright-Hays), and the Higher Education Act. Federal support for these efforts was crucial because state governments and the private sector were unable to invest the resources necessary to meet the national needs.

Developing the international expertise the nation needs will require multiple strategies. At the top of the list, however, is adequate support for the existing foreign language, area and international studies, and international business education programs authorized by the Higher Education Act. Just as the federal government maintains military reserves to be called upon when needed, it should ensure that it has

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the international expertise to call upon in times of crisis. Expertise cannot be invented. Nor can it be produced quickly. It must be cultivated and sustained.

To accomplish this, we strongly urge this Committee to adopt four goals for the coming decade:

- To significantly increase the number of experts with high-level proficiency in foreign languages, international and area studies, especially those relating to non-Western nations and cultures.

- To expand the international knowledge of faculty and students in professional and technical fields such as business, education, environment, crime and terrorism, economics, health, and information technology.

- To increase the diversity of students that major in international fields and foreign languages and who pursue careers in international service.

- To expand the capacity of colleges and universities to maintain and update our international knowledge in a wide range of disciplines and fields that are vital to US national interests and economic competitiveness on a continuous basis.

As part of this effort, we encourage this Committee to instruct the Department of Education to make international and foreign language education a higher priority and to devote an appropriate level of administrative and program resources to this task.

Testimony of Dr. David Ward
President, American Council on Education
Before the House Committee on Education and the Workforce
Subcommittees on 21st Century Competitiveness and Select Education
October 31, 2001

Over the last 50 years, efforts to enable foreign students to study at our campuses and to ensure that our nation had the necessary expertise to address national security and economic issues have paid enormous dividends. It is apparent that we must now review our current activities in order to identify those that need to be strengthened or modified.

I do not mean to imply that the federal government bears the full burden of this reassessment. Colleges and universities share important responsibilities in this effort. We need to reconsider the extent to which we adequately prepare students to understand and even anticipate the international forces that play such a central role in our world. International education, study abroad opportunities, and foreign language instruction will have to be a higher priority in the years ahead. Partnerships between higher education institutions in the US and the developing world should be fostered. We must reach out more to local public schools. Colleges must reassess the nature and volume of international research activity. And we must reexamine the steps we take to monitor the activities of those who visit our campuses on student and exchange visas.

At the same time, colleges and universities, states, and even philanthropic foundations cannot undertake these activities successfully without federal leadership. The nation faces a national challenge and, therefore, the federal government must play a central role in articulating the specific needs and defining the goals that we will pursue.

The higher education community looks forward to working with the members of this Committee in this effort in the years ahead.

Testimony of Dr. David Ward
President, American Council on Education
Before the House Committee on Education and the Workforce
Subcommittees on 21st Century Competitiveness and Select Education
October 31, 2001

On behalf of:

Alliance for International Educational and Cultural Exchange
American Association of Community Colleges
American Association of State Colleges and Universities
American College Personnel Association
American Council on Education
American Dental Education Association
Associated Colleges of the Midwest
Association of American Universities
Association of Chiropractic Colleges
Association of Community College Trustees
Association of Independent Colleges of Art and Design
Association of Jesuit Colleges and Universities
Association of Presbyterian Colleges and Universities
Association of Proprietary Colleges
Career College Association
Consortium of Universities of the Washington Metropolitan Area
Consortium on Government Relations for Student Affairs
Council for Advancement and Support of Education
Council for Christian Colleges and Universities
Council for Higher Education Accreditation
Council for Opportunity in Education
Council of Graduate Schools
Council of Independent Colleges
Division of Higher Education, General Board of Higher Education and
Hispanic Association of Colleges and Universities
Institute of International Education
Lutheran Educational Conference of North America Ministry of the
  United Methodist Church
NAFSA: Association of International Educators
National Association for College Admission Counseling
National Association for Equal Opportunity in Higher Education
National Association of College and University Business Officers
National Association of Independent Colleges and Universities
National Association of Schools and Colleges of the United Methodist Church
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
National Association of Student Personnel Administrators
Teachers of English to Speakers of Other Languages, Inc.

Testimony of Dr. David Ward
President, American Council on Education
Before the House Committee on Education and the Workforce
Subcommittees on 21st Century Competitiveness and Select Education
October 31, 2001

The College Board
University Continuing Education Association

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APPENDIX N - WRITTEN STATEMENT OF GAIL SHORT HANSON, VICE PRESIDENT OF STUDENT SERVICES, AMERICAN UNIVERSITY, WASHINGTON, D.C.

TESTIMONY OF

GAIL SHORT HANSON

VICE PRESIDENT OF STUDENT SERVICES
AMERICAN UNIVERSITY
WASHINGTON, DC

BEFORE THE
HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE
JOINT SUBCOMMITTEE ON SELECT EDUCATION AND
SUBCOMMITTEE ON 21st CENTURY COMPETITIVENESS

WEDNESDAY, OCTOBER 24, 2001

"TRACKING INTERNATIONAL STUDENTS IN HIGHER EDUCATION – POLICY OPTIONS AND IMPLICATIONS FOR STUDENTS"

Testimony of Gail Short Hanson
Vice President of Student Services
American University, Washington, DC
Before the House Committee on Education and the Workforce
Joint Subcommittee on Select Education and
Subcommittee on 21^{st} Century Competitiveness
October 24, 2001

Chairmen, Members of the Committee, my name is Gail Short Hanson. I am vice president of student services at American University here in Washington, D.C. Thank you for the opportunity to speak to you today on tracking international students at American colleges and universities.

American University is a private, coeducational institution with 11,500 students. It is one of the most diverse universities in the world, with students from every state and roughly 150 foreign countries. We have 2,118 international students, speaking 41 languages. American University has been admitting international students since 1954. Our graduates return to their countries to provide leadership in government, business, law, science and technology, communication, the arts, and education.

As vice president of student services, I am in regular contact with our undergraduate and graduate international students. They are well qualified for their studies and highly motivated. They take seriously the obligations associated with their immigration status. The overwhelming majority takes personal responsibility for maintaining their compliance with INS regulations and reporting requirements. Most return to their countries with a high level education and positive memories of their American experience. Equally important, they return with an increased understanding of American culture and an appreciation of our democratic values. They become our unofficial ambassadors.

Some members of Congress have claimed that "the foreign student visa system is one of the most under-regulated systems we have today." I would like to describe the process for enrolling international students at American University. Although the system can be improved, it is rigorous and we are diligent in implementing its requirements.

(1) A student is required to submit a written application for admission and all required supporting documents, which include proof of language proficiency and proof of ability to meet all expenses associated with living and studying in the U.S.

(2) An admissions officer qualified to assess legitimate foreign credentials evaluates the completed application.

(3) If the student is admitted, a Designated School Official must determine that the student has met all of the university and INS requirements before mailing to the student the Certificate for Eligibility for Nonimmigrant (F-1) Student Status – For Academic and Language Students (Form I-20).

(4) On receipt of Form I-20, the student must report to the nearest U.S. Consulate to apply for an F-1 Student Visa. The consular officer is responsible for ensuring that the student has met all the requirements for non-immigrant student status before issuing the student visa.

(5) When the student enters the U. S. through a port of entry, an Immigration officer determines whether the student has met all requirements for F-1 status. Status information is documented on the From I-20 and the I-94 Arrival/Departure record.

(6) When the student reports to the university, the Designated School Official is required to duplicate his immigration documents and create a student record.

Within the first three weeks of each semester, American University knows which students with I-20s have enrolled and their status.

(7) From the time of enrollment, we monitor the student's academic progress and endorse the Form I-20 when the student makes requests for travel and employment.

Five individuals at American University have signatory authority to issue the Form I-20. They are registered with the INS through a formal registration process and receive professional training through NAFSA: Association of International Educators.

Based on many years of implementing this process with thousands of students from all over the world, we would like to suggest several steps that would facilitate government tracking of international students.

(1) American University endorses SEVIS – the Student & Exchange Visitor Information System and urges Congress to grant permanent authorization and necessary appropriations to guarantee the immediate and effective implementation of the system. We are prepared to meet the reporting requirements of the system, which include documenting student enrollment information, student's failure to matriculate, termination, etc. We already collect and store this information in our institutional database.

(2) To address concerns about students' obtaining Forms I-20 from multiple institutions, we endorse ACE's recommendation that institutions forward the Form I-20 directly to the Consulate designated by the student. As an interim measure, until

SEVIS is implemented, this would mitigate fraudulent use or duplication of paper documents.

(3) We suggest that INS explore developing a coded identification card to replace the Form I-20 ID and the I-94 Arrival/Departure Card. The card would be issued to the student at the port of entry and coded with the student's information contained in SEVIS, including identification (such as date of birth and citizenship), entry and exit information, and active status. The student would carry the card for Duration of Status. When the student departs the country, the card would be swiped at the airline ticket counter and updated from the SEVIS system. The card could be voided through the system if the student falls out of status. The card would also permit the accumulation of information throughout an individual's status as a student.

American University has worked effectively with the INS and State Department in the past and pledges continued consultation and support in their efforts to build a more efficient and effective international student tracking system. We are confident that, together, we can create a system that preserves the vitality of international educational exchange. Now, more than ever, global understanding must be a national educational priority. American students and students from around the world must exchange ideas face to face, cultivate understanding and respect for differences, and equip themselves to overcome the conflicts that divide us today.

Thank you very much. I would be pleased to respond to any questions you may have or to provide further comment at a later date.

APPENDIX O - WRITTEN STATEMENT OF JULIA BEATTY, PRESIDENT, UNITED STATES STUDENT ASSOCIATION (USSA), WASHINGTON, D.C.

Testimony of Julia Beatty
U.S. Student Association President
Before the House Education & the Workforce Committee
10/24/2001

Good afternoon. My name is Julia Beatty. I am president of the United States Student Association. USSA is the nation's oldest and largest national student organization. Since 1947, we have worked to expand access to higher education for all students, because we believe that education is a right. Students all over the country are talking about issues of education, security, and immigration in classrooms and dorm rooms. We are pleased that you have asked for our input. All students, both citizens and non-citizens, will be affected by the policies implemented in the coming weeks and months. So on behalf of all the students concerned about issues of international education, I thank you for the opportunity to speak today.

In recent weeks our national efforts to promote safety and security have led to an interest among many lawmakers in revising the regulations surrounding visas. Student visas have been a particular focus since it seems that two of the people responsible for the tragedy on September 11 may have been student visa-holders.

It saddens me that international students have been identified in such a negative way with the events of September 11. In our own experience, we know international students to be integral parts of our vibrant campus communities. International students make up roughly 25% of all Doctoral degrees granted in the U.S., making them a major part of the teaching and research workforce in our universities. They add to the intellectual and ideological richness of our campus culture. International students also contribute economic resources to our colleges and universities, between $9 and $13 billion annually.[1] From conducting research to teaching classes, to simply sharing their own personal experiences, international students contribute immeasurably to our educations both inside and outside the classroom.

As students facing a rapidly changing economy and uncertain job market, we also understand the importance of experience with other cultures in our careers. Not only do we value the presence of international students on our campuses, but we seek opportunities ourselves to learn in other countries and other cultures. We fear that any limits placed on international students seeking to enter this country will result in similar policies by other nations, preventing many American students from being able to study abroad in the country of their choice.

Already the process for gaining admissions to U.S. colleges, obtaining a visa, and actually entering the U.S. for study is complicated and burdensome.

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[1] NAFSA, http://www.nafsa.org/content/publicpolicy/stf/acwolanin.htm

International students leave their homes and families, including spouses and children to seek a better education in the U.S., since visa regulations do not allow even dependants of students to come with them.[2] The visa screening requirements disadvantage those from nations in turmoil, often the students most in need of access to educational resources outside their home countries. For students of limited English proficiency, there are additional barriers in understanding the process and requirements in obtaining a visa. Further, the cost of higher education in the U.S., burdensome even for most families here, is extremely high when compared to the cost of living and average earnings in many other countries.

International students and many domestic students have already suffered as a result of the events of September 11 and their aftermath. The loss of human life alone has been devastating, but there have been less obvious and less publicized injuries as well. On college campuses all over the country there have been increased reports of violence and harassment toward students who are or are perceived to be of Middle Eastern or South Asian descent, and Muslim students.

As early as September 20, the Chronicle of Higher Education reported at least four assaults, whose victims included students in California, Arizona, North Carolina, and New Mexico.[3] We have had unconfirmed reports of similar incidents in Oregon, Wisconsin, and Florida. In all these cases, students were physically assaulted, some quite brutally, and were targeted because of their dress, appearance, or last name. One student, a citizen of Lebanon, was called a terrorist and told to "go home!" while he was beaten. Students are unable to focus on their studies in these conditions and some have returned home. While the American students who went home face certain obstacles in returning to school, as does any returning student, the barriers are far greater for international students, some of whom will have to start from scratch in seeking admission to the U.S. and U.S. universities. Students and administrators work hard to make campuses safe places to live and learn, but in the wake of September 11, we need your help. We need our government not to cast an unmerited web of suspicion over all international students but to find ways to promote safety without crippling that which we hold dear, our liberty.

On September 19, Secretary of Education Rod Paige called on university administrators to protect students who were likely targets of such backlash.[4] He asked that they not "inadvertently foster the targeting of Arab-American students for harassment or blame." Since September 11, students have been asking

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[2] NAFSA website- http://www.nafsa.org/content/publicpolicy/stl/acwolanin

[3] The Chronicle: Daily news: 09/20/2001 "After at Least 4 Assaults, Some Foreign Students Plan to Leave US; More Protection Urged" Ron Southwick

[4] Press release: "School Officials Urged to Prevent Harassment of Muslim and Arab-American Students" 9/19/2001 U.S. Department of Education

Congress and the administration to do the same. Maintaining higher standards for students from nations on "watch lists" to obtain visas and employing racial profiling by culling students records for names that appear to indicate Arab descent both imply that a person's name or appearance is enough to warrant questioning or detention. This gives a green light to all those who would harass or assault classmates and neighbors on the same basis.

Patterns of racial profiling, particularly in immigration law enforcement, give us pause as we contemplate a system that would centralize information on international students. According to the Leadership Conference on Civil Rights Report "Justice on Trial: Racial Disparities in the Criminal Justice System" 73.5% of INS deportees are of Mexican origin though they make up less than half of all undocumented persons in the U.S..[5] A project in Katy, Texas involving the INS and Katy police stopped cars driven by individuals of "Hispanic appearance," targeted Latinos on the street and searched their homes. Assigning more responsibility to an already overburdened and under-funded agency, which routinely relies on racial profiling to do their job seems risky, at best. We, too, want our campuses and homes to be safer but for whom, and at what cost?

USSA's mission is increasing access to higher education. We believe that many of the proposals made in recent weeks regarding international students would do just the opposite. In years past, we, along with several other members of the higher education community opposed the implementation of CIPRIS, now SEVIS. While we recognize the growing consensus, post September 11, among many educators and lawmakers to move forward with SEVIS, we hope they will undertake those efforts with caution and with respect for students' privacy and for our human and civil rights as embodied in the Constitution. We also hope that any eventual implementation of SEVIS can go forward without additional financial burden on international students. Again, the cost of education in the U.S. is high. This fee only adds to the burden and represents a sizable sum of money for residents of many countries. In recent years, the administrative questions surrounding a potential student fee have proven difficult to resolve. Besides the administrative obstacles the fee has posed, it is a heavy-handed approach to funding the program, with no accounting for length of individual educational programs, or access to the technology that compliance might require. Some students enter the U.S. for lengthy periods of doctoral study, while others are here for much briefer intensive English programs or undergraduate exchange.

Many have debated the merits of changing the process by which we award visas. Notable among recent suggestions is that we employ a heightened scrutiny on visa applicants from countries on certain "watch lists." While this may be intuitively comforting, allowing us to place all the proverbial "bad guys" "over there," that sense of comfort is false. Threats to national security come from many places, including our own home. Let us not forget that before September

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[5] Leadership Conference on Civil Rights "Justice on Trial: Racial Disparities in the Criminal Justice System" http://www.civilrights.org/images/justice.pdf

11, the most notorious terrorist in U.S. history was a white, American man. Furthermore, we are afraid that in this time of tense and difficult international relations, students or their educations could become pawns in foreign policy by punishing students for their governments' behavior. We believe this should be avoided wherever possible.

While international students do not have a voice in the processes that will deeply affect their lives, their fellow students do, and we are concerned. We are concerned about restrictions on visas for students seeking education at America's colleges and universities. We are concerned about efforts to track international students as they try to improve their lives through education. And we are concerned about additional barriers to education for international students that may be imposed in the name of safety. We appreciate your attention to these issues and look forward to continuing to work with you to shape federal policy as it relates to higher education in general and international education in particular.

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